



Reprinted
February 17, 2009

SENATE BILL No. 506

DIGEST OF SB 506 (Updated February 16, 2009 3:53 pm - DI 87)

Citations Affected: IC 3-5; IC 3-8; IC 3-10; IC 3-11; IC 4-3; IC 4-23; IC 6-1.1; IC 13-11; IC 24-9; IC 36-1; IC 36-1.5; IC 36-2; IC 36-3; noncode.

Synopsis: Local government matters. Provides that in counties other than Marion County and Lake County, the county executive body shall after October 31, 2009, and before November 15, 2009 adopt a resolution specifying that the voters of the county shall: (1) elect a single county chief executive officer to serve as the county executive and a county council that has the legislative and fiscal powers and duties of the county; (2) elect a board of county supervisors that is a combined county executive, legislative, and fiscal body that has the executive, legislative, and fiscal powers and duties of the county; or (3) provide that the voters shall choose, in a public question to be held in 2010, the structure of county government. Provides that if a public question is held in 2010, the voters shall choose one of two options for the structure of county government: (1) the county shall elect a board of county supervisors that is a combined county executive, legislative, and fiscal body that has the executive, legislative, and fiscal powers and duties of the county; or (2) the county shall not reorganize county government. Prohibits a political subdivision from promoting a position on such a public question. Provides that the government structure chosen by a majority of the voters voting on the public question is effective January 1, 2013. Provides that in counties with a county chief executive officer, the initial county chief executive officer is elected at the November 2012 general election and takes office January 1, 2013. Provides that in counties with a board of county supervisors that is a

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Effective: Upon passage; July 1, 2009.

Boots, Lawson C

January 15, 2009, read first time and referred to Committee on Local Government.
February 5, 2009, amended, reported favorably — Do Pass.
February 16, 2009, read second time, amended, ordered engrossed.

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combined county executive, legislative, and fiscal body, members are elected at the November 2012 general election (with staggered terms) and the members take office January 1, 2013. Provides that in counties with a county chief executive officer, the county councils continue under existing law. Provides that after December 31, 2012, a county that has a board of county supervisors elected as the county executive, legislative, and fiscal body must employ a county manager. Requires an individual employed as county manager to attain Credentialed Manager Status from the International City/County Management Association not later than two years after the date the individual is employed as county manager. Prohibits nepotism in the appointment of the county manager and the hiring of employees in the county manager's office. Provides that in every general election after 2012, 5% of the voters of the county may petition the circuit court clerk specifying a public question on reorganizing the county government. Requires the petition to specify one of the following sets of choices for voters: (1) The county shall have the government structure with a single county chief executive officer and a county council or the county government shall not reorganize. (2) The county shall have the government structure with the board of county supervisors that is a combined county executive, legislative, and fiscal body or the county government shall not reorganize. Provides that in a county that retains a board of county commissioners, the county commissioners may in any general election after 2012 provide that the voters of the county shall vote on the reorganization of county government. Provides that the voters choices are: (1) to not reorganize county government; and (2) one of the following choices, as determined by the county commissioners: (A) to have a single county executive and county council; or (B) to have a county board of supervisors. Provides that in a local government reorganization under the government modernization statutes, the reorganization committee is appointed by: (1) the county executive of the county in which the most populous political subdivision is located, if the county is not named in the petition or resolution; or (2) the circuit court judge of the county in which the most populous political subdivision is located, if the county is named in the petition or resolution. Provides that in a public question on reorganization under the government modernization statutes of a municipality and a county that does not contain a consolidated city: (1) if the reorganization plan includes a rejection threshold, the rejection threshold of the reorganizing municipality and the rejection threshold of the county (excluding the area in the reorganizing municipality) must be equivalent to a simple majority (current law provides that the rejection threshold is the percentage specified in the reorganization plan); and (2) the percentage of voters who must vote on a countywide basis in favor of the reorganization for the public question to be approved must be equivalent to a simple majority (current law provides that the countywide vote approval percentage is the percentage specified in the reorganization plan). Specifies that the voters of a political subdivision may not initiate a proposed reorganization under the government modernization statutes that includes any of the following: (1) A county other than the county in which the political subdivision is located. (2) A political subdivision located in a different county. Requires the office of management and budget to establish an office of local technical assistance. Requires the office to: (1) promote sound fiscal, management, and operational practices in local government and assist units of local government in carrying out these practices; and (2) coordinate interaction between units of local government and state agencies. Requires the department of local government finance (DLGF) and the state board of accounts to consult with the office as the DLGF and the state board of accounts develop and adopt transition rules to assist units of local government that are consolidating entire units or specific functions. Requires the advisory

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commission on intergovernmental relations to monitor the progress of local governments in implementing the recommendations made by the commission on local government reform and prepare an annual report of its findings. Deletes the requirement that a copy of an interlocal cooperation agreement must be filed with the state board of accounts (state board). Repeals the requirement that counties and municipalities must prepare and submit to the state board an operational report concerning roads and streets. Repeals the requirement that the county clerk must prepare a monthly report that is submitted to the county auditor, the county executive, and the state board. Repeals the requirement that the county treasurer must prepare a monthly report that is submitted to the county auditor, county board of finance, county executive, and state board. Provides that if a proposed local government reorganization is initiated under the government modernization statutes by the voters of a political subdivision, approval of the legislative bodies of the affected political subdivisions is not required before a proposed reorganization plan may be prepared by a reorganization committee and placed on the ballot for a vote. Specifies that the circuit court clerk of the county in which the most populous political subdivision named in a reorganization resolution or petition is located shall appoint to the reorganization committee three residents of each political subdivision participating in the reorganization. Requires the Indiana advisory commission on intergovernmental relations to: (1) create recommended minimum objective professional qualifications and performance standards for elected county officials in Indiana; (2) create recommended best practices standards for the conduct of county government in Indiana; and (3) conduct a performance audit of county government in Indiana; and report the recommendations and results to the office of management and budget and the legislative council before November 1, 2010.

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Reprinted
February 17, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

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SENATE BILL No. 506

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 3-5-2-22 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2009]: Sec. 22. (a) **Except as provided in**
3 **subsection (b), "executive" means:**
4 (1) ~~board of county commissioners~~ for a county not having a
5 consolidated city:
6 (A) **before January 1, 2013, the board of county**
7 **commissioners; and**
8 (B) **after December 31, 2012:**
9 (i) **the board of county commissioners elected under**
10 **IC 36-2-2 (in a county in which the voters determine in**
11 **a public question under IC 36-2-3.9 in 2010 to not**
12 **reorganize county government and in which the county**
13 **has not reorganized county government under**
14 **IC 36-2-3.9-8);**
15 (ii) **the chief executive officer elected under IC 36-2-2.5**

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(in a county subject to IC 36-2-2.5); or

(iii) the board of county supervisors elected under IC 36-2-3.8 (in a county subject to IC 36-2-3.8);

(2) for a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000), the board of county commissioners;

~~(2)~~ (3) the mayor of the consolidated city, for a county having a consolidated city;

~~(3)~~ (4) the mayor, for a city;

~~(4)~~ (5) the president of the town council, for a town; or

~~(5)~~ (6) a trustee, for a township.

(b) This subsection applies to a county not having a consolidated city (excluding a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000)), in which a majority of voters approve a reorganization of county government in a public question under IC 36-2-3.9-8. Effective January 1 following the election of the county executive, "executive" means:

(1) the chief executive officer elected under IC 36-2-2.5 (in a county subject to IC 36-2-2.5); or

(2) the board of county supervisors elected under IC 36-2-3.8 (in a county subject to IC 36-2-3.8);

as determined by the voters of the county under IC 36-2-3.9-8.

SECTION 2. IC 3-8-1-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 21. (a) A candidate for the office of county commissioner must:

(1) have resided in the county for at least one (1) year before the election, as provided in Article 6, Section 4 of the Constitution of the State of Indiana; and

(2) have resided in the district in which seeking election, if applicable, for at least six (6) months before the election.

(b) This subsection applies to elections after 2011 in a county in which a county chief executive officer is elected under IC 36-2-2.5. A candidate for the office of county chief executive officer must have resided in the county for at least one (1) year before the election, as provided in Article 6, Section 4 of the Constitution of the State of Indiana.

SECTION 3. IC 3-10-1-19, AS AMENDED BY P.L.146-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 19. (a) The ballot for a primary election shall be printed in substantially the following form for all the offices for which candidates have qualified under IC 3-8:

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OFFICIAL PRIMARY BALLOT

____ Party

For paper ballots, print: To vote for a person, make a voting mark (X or ✓) on or in the box before the person's name in the proper column. For optical scan ballots, print: To vote for a person, darken or shade in the circle, oval, or square (or draw a line to connect the arrow) that precedes the person's name in the proper column. For optical scan ballots that do not contain a candidate's name, print: To vote for a person, darken or shade in the oval that precedes the number assigned to the person's name in the proper column. For electronic voting systems, print: To vote for a person, touch the screen (or press the button) in the location indicated.

Vote for one (1) only

Representative in Congress

☐ (1) AB _____☐ (2) CD _____☐ (3) EF _____☐ (4) GH _____

(b) The offices with candidates for nomination shall be placed on the primary election ballot in the following order:

(1) Federal and state offices:

(A) President of the United States.

(B) United States Senator.

(C) Governor.

(D) United States Representative.

(2) Legislative offices:

(A) State senator.

(B) State representative.

(3) Circuit offices and county judicial offices:

(A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.

(B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.

(C) Judge of the probate court.

(D) Judge of the county court, with each division separate, as required by IC 33-30-3-3.

(E) Prosecuting attorney.

(F) Circuit court clerk.

(4) **The following** county offices:

(A) County auditor.

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- (B) County recorder.
 (C) County treasurer.
 (D) County sheriff.
 (E) County coroner.
 (F) County surveyor.
 (G) County assessor.
 (H) County commissioner. **However, for elections after 2010, county commissioners shall be elected only in a county:**
 (i) **having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or**
 (ii) **in which the voters determine in a public question under IC 36-2-3.9 in 2010 to not reorganize county government and in which the county has not reorganized county government under IC 36-2-3.9-8.**
 (I) County chief executive officer, for elections in 2012 and thereafter, shall be elected only in a county:
 (i) **in which the county executive determines under IC 36-2-2.4 that the chief executive officer shall be the county executive; or**
 (ii) **in which voters determine in a public question under IC 36-2-3.9-8 to elect a county chief executive officer.**
 (†) (J) County council member in a county:
 (i) **having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000);**
 (ii) **in which the county executive determines under IC 36-2-2.4 that the voters shall elect a county council;**
 (iii) **in which the voters determine in a public question under IC 36-2-3.9-8 to elect a county council; or**
 (iv) **in which the voters determine in a public question under IC 36-2-3.9 in 2010 to not reorganize county government and in which the county has not reorganized county government under IC 36-2-3.9-8.**
 (K) Board of county supervisors member, for elections in 2012 and thereafter (in a county subject to IC 36-2-3.8) in a county:
 (i) **in which the county executive determines under IC 36-2-2.4 that the voters shall elect a board of county supervisors;**
 (ii) **in which the voters determine in a public question under IC 36-2-3.9 at the general election in 2010 to elect**

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a board of county supervisors; or
(iii) in which voters determine in a public question under
IC 36-2-3.9-8 to elect a board of county supervisors.

(5) Township offices:

(A) Township assessor (only in a township referred to in IC 36-6-5-1(d)).

(B) Township trustee.

(C) Township board member.

(D) Judge of the small claims court.

(E) Constable of the small claims court.

(6) City offices:

(A) Mayor.

(B) Clerk or clerk-treasurer.

(C) Judge of the city court.

(D) City-county council member or common council member.

(7) Town offices:

(A) Clerk-treasurer.

(B) Judge of the town court.

(C) Town council member.

(c) The political party offices with candidates for election shall be placed on the primary election ballot in the following order after the offices described in subsection (b):

(1) Precinct committeeman.

(2) State convention delegate.

(d) The following offices and public questions shall be placed on the primary election ballot in the following order after the offices described in subsection (c):

(1) School board offices to be elected at the primary election.

(2) Other local offices to be elected at the primary election.

(3) Local public questions.

(e) The offices and public questions described in subsection (d) shall be placed:

(1) in a separate column on the ballot if voting is by paper ballot;

(2) after the offices described in subsection (c) in the form specified in IC 3-11-13-11 if voting is by ballot card; or

(3) either:

(A) on a separate screen for each office or public question; or

(B) after the offices described in subsection (c) in the form specified in IC 3-11-14-3.5;

if voting is by an electronic voting system.

(f) A public question shall be placed on the primary election ballot in the following form:

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(The explanatory text for the public question,
if required by law.)

"Shall (insert public question)?"

☐ YES

☐ NO

SECTION 4. IC 3-10-2-13, AS AMENDED BY P.L.146-2008,
SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2009]: Sec. 13. The following public officials shall be elected
at the general election before their terms of office expire and every four
(4) years thereafter:

- (1) Clerk of the circuit court.
- (2) County auditor.
- (3) County recorder.
- (4) County treasurer.
- (5) County sheriff.
- (6) County coroner.
- (7) County surveyor.
- (8) County assessor.
- (9) County commissioner. **However, for elections after 2010,**

county commissioners shall be elected only in a county:

(A) having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or

(B) in which the voters determine in a public question under IC 36-2-3.9 in 2010 to not reorganize county government and in which the county has not reorganized county government under IC 36-2-3.9-8.

(10) County chief executive officer, for elections in 2012 and thereafter, shall be elected only in a county:

(A) in which the county executive determines under IC 36-2-2.4 that the chief executive officer shall be the county executive; or

(B) in which the voters determine in a public question under IC 36-2-3.9-8 to elect a county chief executive officer.

~~(10)~~ (11) County council member. However, for elections after 2010, county council members shall be elected only in a county:

(A) having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000);

(B) in which the county executive determines under

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IC 36-2-2.4 that the voters shall elect a county council;
 (C) in which the voters choose in a public question under
 IC 36-2-3.9-8 to elect a county council; or
 (D) in which the voters determine in a public question
 under IC 36-2-3.9 in 2010 to not reorganize county
 government and in which the county has not reorganized
 county government under IC 36-2-3.9-8.

(12) Board of county supervisors member, for elections in
 2012 and thereafter, in a county:

(A) in which the county executive determines under
 IC 36-2-2.4 that the voters shall elect a board of county
 supervisors under IC 36-2-3.9;

(B) in which the voters determine in a public question
 under IC 36-2-3.9 at the general election in 2010 to elect a
 board of county supervisors; or

(C) in which voters determine in a public question under
 IC 36-2-3.9-8 to elect a board of county supervisors.

~~(11)~~ (13) Township trustee.

~~(12)~~ (14) Township board member.

~~(13)~~ (15) Township assessor (only in a township referred to in
 IC 36-6-5-1(d)).

~~(14)~~ (16) Judge of a small claims court.

~~(15)~~ (17) Constable of a small claims court.

SECTION 5. IC 3-11-2-12, AS AMENDED BY P.L.146-2008,
 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 JULY 1, 2009]: Sec. 12. The following offices shall be placed on the
 general election ballot in the following order:

(1) Federal and state offices:

(A) President and Vice President of the United States.

(B) United States Senator.

(C) Governor and lieutenant governor.

(D) Secretary of state.

(E) Auditor of state.

(F) Treasurer of state.

(G) Attorney general.

(H) Superintendent of public instruction.

(I) United States Representative.

(2) Legislative offices:

(A) State senator.

(B) State representative.

(3) Circuit offices and county judicial offices:

(A) Judge of the circuit court, and unless otherwise specified

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under IC 33, with each division separate if there is more than one (1) judge of the circuit court.

(B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.

(C) Judge of the probate court.

(D) Judge of the county court, with each division separate, as required by IC 33-30-3-3.

(E) Prosecuting attorney.

(F) Clerk of the circuit court.

(4) **The following** county offices:

(A) County auditor.

(B) County recorder.

(C) County treasurer.

(D) County sheriff.

(E) County coroner.

(F) County surveyor.

(G) County assessor.

(H) County commissioner. **However, for elections after 2010, county commissioners shall be elected only in a county:**

(i) having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or

(ii) in which the voters determine in a public question under IC 36-2-3.9 in 2010 to not reorganize county government and in which the county has not reorganized county government under IC 36-2-3.9-8.

(I) County chief executive officer, for elections in 2012 and thereafter, shall be elected only in a county:

(i) in which the county executive determines under IC 36-2-2.4 that the chief executive officer shall be the county executive; or

(ii) in which voters determine in a public question under IC 36-2-3.9-8 to elect a county chief executive officer.

(J) County council member in a county:

(i) having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000);

(ii) in which the county executive determines under IC 36-2-2.4 that the voters shall elect a county council;

(iii) in which the voters determine in a public question under IC 36-2-3.9-8 to elect a county council; or

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(iv) in which the voters determine in a public question under IC 36-2-3.9 in 2010 to not reorganize county government and in which the county has not reorganized county government under IC 36-2-3.9-8.

(K) Board of county supervisors member, for elections in 2012 and thereafter, in a county:

(i) in which the county executive determines under IC 36-2-2.4 that the voters shall elect a board of county supervisors;

(ii) in which the voters determine in a public question under IC 36-2-3.9 at the general election in 2010 to elect a board of county supervisors; or

(iii) in which voters determine in a public question under IC 36-2-3.9-8 to elect a board of county supervisors.

(5) Township offices:

(A) Township assessor (only in a township referred to in IC 36-6-5-1(d)).

(B) Township trustee.

(C) Township board member.

(D) Judge of the small claims court.

(E) Constable of the small claims court.

(6) City offices:

(A) Mayor.

(B) Clerk or clerk-treasurer.

(C) Judge of the city court.

(D) City-county council member or common council member.

(7) Town offices:

(A) Clerk-treasurer.

(B) Judge of the town court.

(C) Town council member.

SECTION 6. IC 4-3-22-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 17. (a) The office of local technical assistance is established as a division within the OMB. The director shall appoint, subject to the approval of the governor, a director of the office, who serves at the pleasure of the director of the OMB.**

(b) The office of local technical assistance shall do the following:

(1) Promote sound fiscal, management, and operational practices in local government and assist units of local government in carrying out these practices.

(2) Coordinate interaction between units of local government and state agencies.

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(c) The department of local government finance and the state board of accounts shall consult with the office of local technical assistance as the department of local government finance and the state board of accounts develop and adopt transition rules to assist units of local government that are consolidating entire units or specific functions.

SECTION 7. IC 4-23-24.2-5.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5.1. (a) The commission shall do the following:

(1) Monitor the progress of local governments in implementing the recommendations made in the December 11, 2007, final report of the Indiana commission on local government reform entitled "Streamlining Local Government".

(2) Conduct any necessary additional research concerning implementing the reorganization of local governments.

(b) The commission shall, not later than July 1 of each year, submit an annual report of its findings under subsection (a)(1) to the governor and the legislative council. The report to the legislative council must be in an electronic format under IC 5-14-6.

(c) This section expires January 1, 2014.

SECTION 8. IC 4-23-24.2-5.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5.2. (a) The commission shall do the following:

(1) Create recommended minimum objective professional qualifications and performance standards for elected county officials in Indiana.

(2) Create recommended minimum competency standards for members of the board of county supervisors.

(3) Create recommended best practices standards for the conduct of county government in Indiana.

(4) Conduct a performance audit of county government in Indiana.

(b) The commission shall submit a report of the recommendations and result of the performance audit to the office of management and budget and the legislative council before November 1, 2010, in an electronic format under IC 5-14-6.

(c) This section expires January 1, 2011.

SECTION 9. IC 6-1.1-27-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) On or before June

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20th and December 20th of each year, the county auditor and the county treasurer shall meet in the office of the county auditor. ~~Before each semi-annual meeting, the county auditor shall complete an audit of the county treasurer's monthly reports required under IC 36-2-10-16.~~ ~~In addition,~~ The county auditor shall:

- (1) prepare a certificate of settlement on the form prescribed by the state board of accounts; and
- (2) deliver the certificate of settlement to the county treasurer at least two (2) days before each semi-annual meeting.

(b) If any county treasurer or auditor refuses, neglects, or fails to distribute tax money due to a tax unit on or before the fifty-first day immediately following each property tax due date under IC 6-1.1-22-9 or IC 6-1.1-37-10, whichever applies, the county treasurer and auditor shall pay to the taxing unit from the county general fund interest on the taxing unit's undistributed tax money if the county treasurer and auditor invest undistributed tax money in an interest bearing investment. The amount of interest to be paid equals the taxing unit's proportionate share of the actual amount of interest which is received from investments of the undistributed tax money from the fifty-second day immediately following the property tax due date under IC 6-1.1-22-9 or IC 6-1.1-37-10, whichever applies, to the date that the tax money is distributed.

SECTION 10. IC 13-11-2-74 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 74. **(a) Except as provided in subsection (b), "executive" means the following:**

- (1) **Before January 1, 2013, the** board of commissioners of a county not having a consolidated city.
- (2) **After December 31, 2012:**
 - (A) **the county chief executive officer, in a county subject to IC 36-2-2.5;**
 - (B) **the board of county supervisors, in a county subject to IC 36-2-3.8; or**
 - (C) **the board of commissioners in a county:**
 - (i) **having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or**
 - (ii) **in which the voters determine in a public question under IC 36-2-3.9 in 2010 to not reorganize county government and in which the county has not reorganized county government under IC 36-2-3.9-8.**
- ~~(2)~~ (3) **The** mayor of the consolidated city, for a county having a consolidated city.

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1 (3) (4) The mayor of a city. or

2 (4) (5) The president of the town council of a town.

3 **(b) This subsection applies to a county not having a consolidated**
 4 **city (excluding a county having a population of more than four**
 5 **hundred thousand (400,000) but less than seven hundred thousand**
 6 **(700,000)), in which a majority of voters approve a reorganization**
 7 **of county government in a public question under IC 36-2-3.9-8.**
 8 **Effective January 1 following the election of the county executive,**
 9 **"executive" means:**

10 **(1) the county chief executive officer elected under IC 36-2-2.5**
 11 **(in a county subject to IC 36-2-2.5); or**

12 **(2) the board of county supervisors elected under IC 36-2-3.8**
 13 **(in a county subject to IC 36-2-3.8);**

14 **as determined by the voters of the county under IC 36-2-3.9-8.**

15 SECTION 11. IC 24-9-9-3 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. On or before June 20
 17 and December 20 of each year, ~~after completing an audit of the county~~
 18 ~~treasurer's monthly reports required by IC 36-2-10-16,~~ the county
 19 auditor shall distribute to the auditor of state two dollars and fifty cents
 20 (\$2.50) of the mortgage recording fee collected under
 21 IC 36-2-7-10(b)(11) for each mortgage recorded by the county
 22 recorder. The auditor of state shall deposit the money in the state
 23 general fund to be distributed as described in section 4 of this chapter.

24 SECTION 12. IC 36-1-2-5 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. **(a) Except as**
 26 **provided in subsection (b), "executive" means the following:**

27 **(1) Before January 1, 2013, the** board of commissioners for a
 28 county not having a consolidated city.

29 **(2) After December 31, 2012:**

30 **(A) the county chief executive officer, in a county subject**
 31 **to IC 36-2-2.5;**

32 **(B) the board of county supervisors, in a county subject to**
 33 **IC 36-2-3.8; or**

34 **(C) the board of commissioners in a county:**

35 **(i) having a population of more than four hundred**
 36 **thousand (400,000) but less than seven hundred thousand**
 37 **(700,000); or**

38 **(ii) in which the voters determine in a public question**
 39 **under IC 36-2-3.9 in 2010 to not reorganize county**
 40 **government and in which the county has not reorganized**
 41 **county government under IC 36-2-3.9-8.**

42 (2) (3) The mayor of the consolidated city, for a county having a

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consolidated city.

~~(3)~~ (4) The mayor, for a city.

~~(4)~~ (5) The president of the town council, for a town.

~~(5)~~ (6) The trustee, for a township.

~~(6)~~ (7) The superintendent, for a school corporation. or

~~(7)~~ (8) The chief executive officer, for any other political subdivision.

(b) This subsection applies to a county not having a consolidated city (excluding a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000)), in which a majority of voters approve a reorganization of county government in a public question under IC 36-2-3.9-8. Effective January 1 following the election of the county executive, "executive" means:

(1) the county chief executive officer elected under IC 36-2-2.5 (in a county subject to IC 36-2-2.5); or

(2) the board of county supervisors elected under IC 36-2-3.8 (in a county subject to IC 36-2-3.8);

as determined by the voters under IC 36-2-3.8-8.

SECTION 13. IC 36-1-2-9, AS AMENDED BY P.L.186-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. (a) Except as provided in subsection (b), "legislative body" means the following:

(1) Before January 1, 2013:

(A) the board of county commissioners, for a county not subject to IC 36-2-3.5 or IC 36-3-1; or

~~(2)~~ (B) the county council, for a county subject to IC 36-2-3.5.

(2) After December 31, 2012, for a county not having a consolidated city:

(A) the board of county commissioners, for a county:

(i) in which the voters determine in a public question under IC 36-2-3.9 in 2010 to not reorganize county government and in which the county has not reorganized county government under IC 36-2-3.9-8; and

(ii) that does not have a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000);

(B) the county council, for a county subject to IC 36-2-3.7;

(C) the county council, for a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000);

(D) the county council, for a county:

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(i) in which the voters determine in a public question under IC 36-2-3.9 in 2010 to not reorganize county government and in which the county has not reorganized county government under IC 36-2-3.9-8; and

(ii) that has a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000); or

(E) the board of county supervisors, for a county subject to IC 36-2-3.8.

(3) The city-county council, for a consolidated city or county having a consolidated city.

(4) The common council, for a city other than a consolidated city.

(5) The town council, for a town.

(6) The township board, for a township.

(7) The governing body of any other political subdivision that has a governing body. or

(8) The chief executive officer of any other political subdivision that does not have a governing body.

(b) This subsection applies to a county not having a consolidated city (excluding a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000)), in which a majority of voters approve a reorganization of county government in a public question under IC 36-2-3.9-8. Effective January 1 following the election of the county legislative body, "legislative body" means:

(1) the county council (in a county subject to IC 36-2-3.7); or

(2) the board of county supervisors elected under IC 36-2-3.8 (in a county subject to IC 36-2-3.8);

as determined by the voters of the county under IC 36-2-3.9-8.

SECTION 14. IC 36-1-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) If there is a constitutional or statutory provision requiring a specific manner for exercising a power, a unit wanting to exercise the power must do so in that manner.

(b) If there is no constitutional or statutory provision requiring a specific manner for exercising a power, a unit wanting to exercise the power must either:

(1) if the unit is a county or municipality, adopt an ordinance prescribing a specific manner for exercising the power;

(2) if the unit is a township, adopt a resolution prescribing a specific manner for exercising the power; or

(3) comply with a statutory provision permitting a specific manner

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for exercising the power.

(c) An ordinance under subsection (b)(1) must be adopted as follows:

(1) In a municipality, by the legislative body of the municipality.

(2) **By the following, for county ordinances adopted before January 1, 2013:**

(A) In a county subject to IC 36-2-3.5 or IC 36-3-1, by the legislative body of the county.

~~(3)~~ (B) In any other county, by the executive of the county.

(3) **By the following:**

(A) **The county executive in a county:**

(i) in which the voters determine in a public question under IC 36-2-3.9 in 2010 to not reorganize county government and in which the county has not reorganized county government under IC 36-2-3.9-8; and

(ii) that is not subject to IC 36-2-3.5.

(B) **The county legislative body, for all other counties.**

(d) A resolution under subsection (b)(2) must be adopted by the legislative body of the township.

SECTION 15. IC 36-1-7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. Before it takes effect, an agreement under section 3 of this chapter must be recorded with the county recorder. ~~Not later than sixty (60) days after it takes effect, such an agreement must be filed with the state board of accounts for audit purposes.~~

SECTION 16. IC 36-1.5-2-3, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. "Plan of reorganization" refers to a plan of reorganization approved **under this article** by:

(1) the legislative body of each reorganizing political subdivision, ~~under this article. in the case of a reorganization initiated by a legislative body under IC 36-1.5-4-10; or~~

(2) **a reorganization committee, in the case of a reorganization initiated by the voters of a political subdivision under IC 36-1.5-4-11.**

SECTION 17. IC 36-1.5-4-11, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. (a) **Except as provided in subsection (c),** the voters of a political subdivision may initiate a proposed reorganization by filing a written petition, substantially in the form prescribed by the department, with the clerk of the political subdivision that:

(1) proposes a reorganization; and

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(2) names the political subdivisions that would be reorganized in the proposed reorganization.

(b) If the written petition is signed by at least five percent (5%) of the voters of the political subdivision, as determined by the vote cast in the political subdivision for secretary of state at the most recent general election, the clerk of the political subdivision shall certify the petition to:

(1) the legislative body of the political subdivision;

(2) the clerk of each of the other political subdivisions named in the petition; and

(3) the:

(A) circuit court judge of the county in which the political subdivisions are located (if a county is named in the petition); or

(B) county executive of the county in which the political subdivisions are located (if a county is not named in the petition).

(c) Notwithstanding any other law, the voters of a political subdivision may not initiate a proposed reorganization that includes any of the following:

(1) A county other than the county in which the political subdivision is located.

(2) A political subdivision located in a different county.

SECTION 18. IC 36-1.5-4-13, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13. (a) The legislative body of a political subdivision that receives a certified resolution under section 10 ~~or 12~~ of this chapter may do any of the following:

(1) Adopt a resolution declining to participate in a proposed reorganization.

(2) Adopt a substantially identical resolution proposing to participate in a proposed reorganization with the political subdivisions named in a resolution certified to the political subdivision.

(3) Adopt a resolution proposing to participate in a proposed reorganization with political subdivisions that differ in part or in whole from the political subdivisions named in a resolution certified to the political subdivision.

(b) In the case of a resolution adopted under this section proposing to participate in a proposed reorganization described in section 1(a)(9) of this chapter, the resolution must also state whether the vote on the public question regarding the reorganization shall be:

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(1) conducted on a countywide basis under section 30(b) of this chapter, without a rejection threshold; or

(2) conducted on a countywide basis under section 30(b) of this chapter, with a rejection threshold.

(c) The clerk of the political subdivision adopting a resolution proposing a reorganization under this section shall certify the resolution to the clerk of each political subdivision named in the resolution.

SECTION 19. IC 36-1.5-4-14, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. The legislative body of a political subdivision may revise a resolution certified under section 10 ~~12~~, or 13 of this chapter by adding or deleting proposed parties to the reorganization until all of the political subdivisions named in the resolution have adopted substantially identical reorganization resolutions.

SECTION 20. IC 36-1.5-4-15, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 15. Not later than:

(1) thirty (30) days after the clerk of the last political subdivision to adopt a reorganization resolution under this chapter has certified the substantially identical resolution to all of the political subdivisions named in the resolution, **in the case of a reorganization initiated by a legislative body under section 10 of this chapter; or**

(2) thirty (30) days after the petition under section 11 of this chapter is certified, **in the case of a reorganization initiated by the voters of a political subdivision under section 11 of this chapter;**

~~the reorganizing political subdivisions~~ **the reorganizing political subdivisions county executive of the county in which the most populous political subdivision named in the reorganization resolution or petition is located (if a county is not named in the resolution or petition) or the circuit court judge of the county in which the most populous political subdivision named in the reorganization resolution or petition is located (if a county is named in the reorganization resolution or petition) shall appoint the number of individuals as specified in section 16 of this chapter to serve on a reorganization committee to develop a plan of reorganization for the reorganizing political subdivisions.**

SECTION 21. IC 36-1.5-4-16, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 16. (a) ~~Members shall be appointed to a reorganization committee as follows:~~

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(1) In accordance with an agreement adopted by the reorganizing political subdivisions. An agreement under this subdivision must provide that not more than a simple majority of the members appointed by each political subdivision may be members of the same political party.

(2) If an agreement does not provide for the membership of a reorganization committee under this chapter, **The county executive of the county in which the most populous political subdivision named in the reorganization resolution or petition is located (if a county is not named in the reorganization resolution or petition) or the circuit court judge of the county in which the most populous political subdivision named in the reorganization resolution or petition is located (if a county is named in the reorganization resolution or petition) shall appoint to a reorganization committee three (3) members shall be appointed by the executive residents of each political subdivision participating in the reorganization. Not more than two (2) of the members appointed by an executive as residents of a particular political subdivision may be members of the same political party.**

(b) The members of a reorganization committee serve at the pleasure of the appointing authority. The reorganization committee shall select a chairperson and any other officers that the reorganization committee determines necessary from the members of the reorganization committee.

(c) The members of a reorganization committee serve without compensation. The members, however, are entitled to reimbursement from the reorganizing political subdivisions for the necessary expenses incurred in the performance of their duties.

(d) The reorganizing political subdivisions shall provide necessary office space, supplies, and staff to the reorganization committee. The reorganizing political subdivisions may employ attorneys, accountants, consultants, and other professionals for the reorganization committee.

(e) Except as otherwise provided in an agreement adopted by the reorganizing political subdivisions, claims for expenditures for the reorganization committee shall be made to the fiscal officer for the reorganizing political subdivision with the largest population. The fiscal officer shall pay the necessary expenditures and obtain reimbursement from the reorganizing political subdivisions:

(1) in accordance with an agreement adopted by the reorganizing political subdivisions; or

(2) in the absence of an agreement, in proportion to the population

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of each reorganizing political subdivision.

SECTION 22. IC 36-1.5-4-18, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 18. (a) A reorganization committee shall prepare a comprehensive plan of reorganization for the reorganizing political subdivisions. The plan of reorganization governs the actions, duties, and powers of the reorganized political subdivision that are not specified by law.

(b) The plan of reorganization must include at least the following:

(1) The name and a description of the reorganized political subdivision that will succeed the reorganizing political subdivisions.

(2) A description of the boundaries of the reorganized political subdivision.

(3) Subject to section 40 of this chapter, a description of the taxing areas in which taxes to retire obligations of the reorganizing political subdivisions will be imposed.

(4) A description of the membership of the legislative body, fiscal body, and executive of the reorganized political subdivision, a description of the election districts or appointment districts from which officers will be elected or appointed, and the manner in which the membership of each elected or appointed office will be elected or appointed.

(5) A description of the services to be offered by the reorganized political subdivision and the service areas in which the services will be offered.

(6) The disposition of the personnel, the agreements, the assets, and, subject to section 40 of this chapter, the liabilities of the reorganizing political subdivisions, including the terms and conditions upon which the transfer of property and personnel will be achieved.

(7) Any other matter that the:

(A) reorganization committee determines to be necessary or appropriate; or

(B) legislative bodies of the reorganizing political subdivisions require the reorganization committee;

to include in the plan of reorganization.

(8) In the case of a reorganization described in section 1(a)(9) of this chapter, if the legislative bodies of the reorganizing political subdivisions have specified that the vote on the public question regarding the reorganization shall be conducted on a countywide basis under section 30(b) of this chapter with a rejection

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threshold, the reorganization committee shall include in the reorganization plan a rejection threshold ~~specified as a percentage~~, **equivalent to a simple majority** that applies for purposes of section 32(b) of this chapter. The rejection threshold must be the same for each municipality that is a party to the proposed reorganization and to the county that is a party to the proposed reorganization.

(9) In the case of a reorganization described in section 1(a)(9) of this chapter, the reorganization committee shall determine and include in the reorganization plan the percentage of voters voting on the public question regarding the proposed reorganization who must vote, on a countywide basis, in favor of the proposed reorganization for the public question to be approved. This percentage is referred to in this chapter as the "countywide vote approval percentage". The countywide vote approval percentage must be ~~greater than fifty percent (50%)~~. **equivalent to a simple majority.**

(c) In the case of a reorganization described in section 1(a)(9) of this chapter, the reorganization committee may not change the decision of the legislative bodies of the reorganizing political subdivisions regarding whether the vote on the public question regarding the reorganization shall be conducted on a countywide basis without a rejection threshold or with a rejection threshold.

(d) **This subsection applies only to a reorganization initiated by a legislative body under section 10 of this chapter.** Upon completion of the plan of reorganization, the reorganization committee shall present the plan of reorganization to the legislative body of each of the reorganizing political subdivisions for adoption. The initial plan of reorganization must be submitted to the legislative body of each of the reorganizing political subdivisions not later than one (1) year after the clerk of the last political subdivision that adopts a reorganization resolution under this chapter has certified the resolution to all of the political subdivisions named in the resolution.

(e) **In the case of a reorganization initiated by the voters of a political subdivision under section 11 of this chapter, the reorganization committee shall hold at least one (1) public hearing on the plan of reorganization in each political subdivision named in the petition.**

SECTION 23. IC 36-1.5-4-19, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 19. **(a) This section applies only to a reorganization initiated by a legislative body under section 10 of**

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1 **this chapter.**

2 **(b)** The legislative body of each of the reorganizing political
3 subdivisions shall provide for the following:

4 (1) Consideration of a plan of reorganization presented by a
5 reorganization committee in the form of a resolution incorporating
6 the plan of reorganization in full or by reference.

7 (2) Reading of the resolution incorporating the plan of
8 reorganization in at least two (2) separate meetings of the
9 legislative body of the political subdivision.

10 (3) Conducting a public hearing on the plan of reorganization:

11 (A) not sooner than five (5) days after notice of the public
12 hearing is published under IC 5-3-1; and

13 (B) before the legislative body takes final action on the
14 resolution to adopt the plan of reorganization.

15 SECTION 24. IC 36-1.5-4-20, AS ADDED BY P.L.186-2006,
16 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2009]: Sec. 20. **(a) This section applies only to a
18 reorganization initiated by a legislative body under section 10 of
19 this chapter.**

20 **(b)** At a public hearing on a plan of reorganization conducted under
21 section 19 of this chapter, or in a public meeting held not more than
22 thirty (30) days after the public hearing concludes, a legislative body
23 of a reorganizing political subdivision shall do one (1) of the following:

24 (1) Adopt the plan of reorganization as presented to the legislative
25 body.

26 (2) Adopt the plan of reorganization with modifications.

27 (3) Reject the plan of reorganization and order a reorganization
28 committee to submit a new plan of reorganization within thirty
29 (30) days after the legislative body rejects the plan of
30 reorganization.

31 SECTION 25. IC 36-1.5-4-21, AS ADDED BY P.L.186-2006,
32 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2009]: Sec. 21. **(a) This section applies only to a
34 reorganization initiated by a legislative body under section 10 of
35 this chapter.**

36 **(b)** Any modifications in a plan of reorganization that are adopted
37 by a legislative body of a reorganizing political subdivision must be
38 adopted by the legislative body of each of the reorganizing political
39 subdivisions before the modifications are effective.

40 SECTION 26. IC 36-1.5-4-22, AS ADDED BY P.L.186-2006,
41 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2009]: Sec. 22. **(a) This section applies only to a**

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1 **reorganization initiated by a legislative body under section 10 of**
 2 **this chapter.**

3 (b) The legislative body of each reorganizing political subdivision
 4 shall take any of the actions described in section 20 of this chapter on
 5 a revised plan of reorganization submitted by a reorganization
 6 committee and each resolution modifying a plan of reorganization or
 7 revised plan of reorganization in the same manner as the legislative
 8 body may take action on the initially submitted plan of reorganization.

9 SECTION 27. IC 36-1.5-4-23, AS ADDED BY P.L.186-2006,
 10 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2009]: Sec. 23. (a) **This subsection applies only to a**
 12 **reorganization initiated by a legislative body under section 10 of**
 13 **this chapter.** The legislative body of a reorganizing political
 14 subdivision shall certify the legislative body's final action on a plan of
 15 reorganization or revised plan of reorganization, as modified by the
 16 legislative body, in the manner prescribed by the department of local
 17 government finance, to the following:

- 18 (1) The chair of the reorganization committee.
- 19 (2) The clerk of each reorganizing political subdivision.
- 20 (3) The county fiscal officer of each county in which a
- 21 reorganizing political subdivision is located.
- 22 (4) The county recorder of each county in which a reorganizing
- 23 political subdivision is located.

24 (b) **This subsection applies only to a reorganization initiated by**
 25 **the voters of a political subdivision under section 11 of this chapter.**
 26 **The reorganization committee shall certify the reorganization**
 27 **committee's final action on a plan of reorganization or revised plan**
 28 **of reorganization, to the following:**

- 29 (1) **The clerk of each reorganizing political subdivision.**
- 30 (2) **The county fiscal officer of the county in which the**
- 31 **reorganizing political subdivisions are located.**
- 32 (3) **The county recorder of the county in which the**
- 33 **reorganizing political subdivisions are located.**

34 SECTION 28. IC 36-1.5-4-23.5, AS ADDED BY P.L.186-2006,
 35 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2009]: Sec. 23.5. (a) **This section applies only to a**
 37 **reorganization initiated by a legislative body under section 10 of**
 38 **this chapter.**

39 (b) The following apply if the legislative bodies of all political
 40 subdivisions that have been presented with a plan of reorganization
 41 under section 18(d) of this chapter have not adopted a plan of
 42 reorganization, either as presented by the reorganization committee or

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as modified by all of the political subdivisions, within one (1) year after the initial plan of reorganization is presented:

(1) Not later than one (1) month after the end of the one (1) year period in which the legislative bodies must adopt a plan of reorganization, the reorganization committee shall submit a final plan of reorganization to the legislative bodies of the political subdivisions.

(2) Not later than one (1) month after receiving the final plan of reorganization under subdivision (1), each of the legislative bodies must:

(A) hold a hearing on the final plan of reorganization; and

(B) adopt either a resolution approving the final plan of reorganization or a resolution rejecting the final plan of reorganization.

If a legislative body does not adopt a resolution under this subdivision within the one (1) month period, the failure to adopt a resolution is considered to be an approval of the final plan of reorganization.

(3) If a legislative body adopts a resolution approving the final plan of reorganization, the legislative body shall certify its approval under section 23 of this chapter.

(4) If any of the legislative bodies adopts a resolution rejecting the final plan of reorganization, the registered voters of a political subdivision in which the final plan of reorganization was rejected by a legislative body under subdivision (2) may submit a petition to the clerk of the circuit court approving the final plan of reorganization and requesting that a public question be held on the final plan of reorganization. The petition must be submitted not later than one hundred eighty (180) days after the legislative body voted to reject the final plan of reorganization. If the petition is signed by at least ten percent (10%) of the voters of the political subdivision, as determined by the vote cast in the political subdivision for secretary of state at the most recent general election:

(A) the political subdivision is considered to have approved the holding of the public question on the final plan of reorganization, notwithstanding the vote by the legislative body rejecting the final plan of reorganization; and

(B) the clerk of the circuit court shall certify approval of the final plan of the reorganization and the holding of the public question in the manner specified in section 23 of this chapter.

SECTION 29. IC 36-1.5-4-24, AS ADDED BY P.L.186-2006,

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SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 24. The legislative body of the reorganizing political subdivision with the largest population **(in the case of a reorganization initiated by a legislative body under section 10 of this chapter) or the reorganization committee (in the case of a reorganization initiated by the voters of a political subdivision under section 11 of this chapter)** shall provide for a certified copy of the plan of reorganization to be filed with each of the following at the same time certifications are made under section 23 of this chapter **(in the case of a reorganization initiated by a legislative body under section 10 of this chapter) or not later than fifteen (15) days after the reorganization plan is approved (in the case of a reorganization initiated by the voters of a political subdivision under section 11 of this chapter):**

- (1) The county recorder of each county in which a reorganizing political subdivision is located.
- (2) The department of local government finance.
- (3) If any of the reorganizing political subdivisions is a school corporation, the department of education.
- (4) If the plan of reorganization changes any election district or abolishes an elected office, the clerk of the circuit court in each county affected by the election district or elected office.

SECTION 30. IC 36-1.5-4-25, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 25. Each county recorder receiving a certification under section 23 of this chapter, ~~either~~ from:

- (1) the legislative body of a political subdivision or from a clerk of the circuit court after a petition process under section 23.5 of this chapter in a political subdivision (in the case of a reorganization initiated by a legislative body under section 10 of this chapter); or**
- (2) a reorganization committee (in the case of a reorganization initiated by the voters of a political subdivision under section 11 of this chapter);**

shall record the certification and the plan of reorganization in the records of the county recorder without charge.

SECTION 31. IC 36-1.5-4-26, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 26. When a county recorder has received certifications under this chapter from:

- (1) all of the reorganizing political subdivisions, either from the legislative body of a political subdivision or from a clerk of the**

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1 circuit court after a petition process under section 23.5 of this
 2 chapter in a political subdivision **(in the case of a reorganization**
 3 **initiated by a legislative body under section 10 of this**
 4 **chapter); or**

5 **(2) a reorganization committee (in the case of a reorganization**
 6 **initiated by the voters of a political subdivision under section**
 7 **11 of this chapter);**

8 the county recorder shall notify the county election board of each
 9 county in which a reorganizing political subdivision is located that a
 10 public question on a plan of reorganization is eligible to be placed on
 11 the ballot for consideration of the voters of each of the reorganizing
 12 political subdivisions or (in the case of a reorganization described in
 13 section 1(a)(9) of this chapter) for consideration by the voters of the
 14 entire county.

15 SECTION 32. IC 36-1.5-4-32, AS ADDED BY P.L.186-2006,
 16 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2009]: Sec. 32. (a) This subsection does not apply to a
 18 reorganization described in section 1(a)(9) of this chapter. A
 19 reorganization as specified in the plan of reorganization is approved if
 20 a majority of the voters in each reorganizing political subdivision
 21 voting on the public question approve the public question on the
 22 reorganization. The vote of voters of a reorganizing political
 23 subdivision (for example, a city) who also are voters in a second
 24 reorganizing political subdivision (for example, a township) that is
 25 geographically larger than the first political subdivision and that
 26 includes the territory of the first political subdivision shall be included
 27 only in the tally of votes for the first reorganizing political subdivision
 28 in which the voters reside.

29 (b) This subsection applies only to a reorganization described in
 30 section 1(a)(9) of this chapter. The reorganization is approved only if:

31 (1) the percentage of voters voting on the public question who
 32 vote, on a countywide basis, in favor of the proposed
 33 reorganization is ~~at least equal to the equivalent to a~~ countywide
 34 vote approval percentage, ~~specified in the final reorganization~~
 35 ~~plan; which is a simple majority;~~

36 (2) if the legislative bodies of the reorganizing political
 37 subdivisions have agreed that the vote on the public question shall
 38 be conducted with a rejection threshold, the percentage of voters
 39 of the county (excluding the voters of the reorganizing
 40 municipalities) voting on the public question who vote against the
 41 reorganization is less than ~~the rejection threshold included in the~~
 42 ~~final reorganization plan; a simple majority; and~~

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(3) if the legislative bodies of the reorganizing political subdivisions have agreed that the vote on the public question shall be conducted with a rejection threshold, the percentage of voters of each reorganizing municipality voting on the public question who vote against the reorganization is less than ~~the rejection threshold included in the final reorganization plan:~~ **a simple majority.**

If the reorganization is not approved, the reorganization is terminated. If the legislative bodies of the reorganizing political subdivisions have agreed that the vote in the public question shall be conducted with a rejection threshold, then in tabulating the votes under subdivisions (2) and (3), the vote of voters of a reorganizing municipality who also are voters in the county shall be included only in the tally of votes for the municipality in which the voters reside.

SECTION 33. IC 36-2-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. **(a) Before January 1, 2013**, this chapter applies to all counties not having a consolidated city.

(b) After December 31, 2012, this chapter applies only to a county:

- (1) having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or**
- (2) in which the voters determine in a public question under IC 36-2-3.9 in 2010 to not reorganize county government and in which the county has not reorganized county government under IC 36-2-3.9-8.**

SECTION 34. IC 36-2-2.4 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 2.4. Determination of County Government Structure

Sec. 1. (a) This chapter applies only to a county not having a consolidated city.

(b) This chapter does not apply to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

Sec. 2. After October 31, 2009, and before November 15, 2009, the county executive of each county subject to this chapter shall after a public hearing adopt a resolution specifying that:

(1) the voters of the county shall elect:

- (A) a single county chief executive officer under IC 36-2-2.5 who has the executive powers and duties of the county; and**

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(B) a county council that has the legislative and fiscal powers and duties of the county;

(2) the voters of the county shall elect a board of county supervisors under IC 36-2-3.8 that is a combined county executive, legislative, and fiscal body that has the executive, legislative, and fiscal powers and duties of the county; or

(3) the voters of the county shall decide the structure of county government in a public question under IC 36-2-3.9.

SECTION 35. IC 36-2-2.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Chapter 2.5. County Chief Executive Officer

Sec. 1. (a) Except as provided in subsection (b), and as specifically provided by law, this chapter applies after December 31, 2012, to each county:

(1) that does not have a consolidated city; and

(2) in which the county executive makes a determination under IC 36-2-2.4 that the county executive is a single county chief executive officer.

(b) Except as specifically provided by law, this chapter applies to each county:

(1) that does not have a consolidated city; and

(2) in which a majority of the voters voting on the public question under IC 36-2-3.9-8 make a determination;

that the county executive is a single county chief executive officer. This chapter applies to a county on January 1 following the election of the single county chief executive officer.

(c) This chapter does not apply to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

Sec. 2. As used in this chapter, "chief executive officer" means the county chief executive officer elected under IC 3-10-2-13:

(1) in 2012 and every four (4) years thereafter, in a county described in section 1(a) of this chapter; or

(2) at the next general election following the year the public question was held and every four (4) years thereafter, in a county described in section 1(b) of this chapter.

Sec. 3. (a) This section applies to a county subject to section 1(a) of this chapter.

(b) In a county subject to section 1(a) of this chapter:

(1) the voters of the county:

(A) shall elect one (1) chief executive officer in 2012 and

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every four (4) years thereafter; and
 (B) shall not elect a board of county commissioners;
 under IC 3-10-2-13;

(2) the board of county commissioners for the county is
 abolished December 31, 2012;

(3) notwithstanding IC 36-2-2-3, the term of each county
 commissioner elected in 2010 is two (2) years rather than four
 (4) years; and

(4) notwithstanding IC 36-2-2-3, the term of each county
 commissioner serving on December 31, 2012, expires January
 1, 2013.

(c) The term of office of the initial chief executive officer:

(1) is four (4) years; and

(2) begins January 1, 2013.

Sec. 4. (a) This section applies to a county subject to section 1(b)
 of this chapter.

(b) In a county subject to section 1(b) of this chapter:

(1) the voters of the county:

(A) shall elect one (1) chief executive officer in the general
 election next following the year that the public question
 was held and every four (4) years thereafter; and

(B) shall not elect a board of county commissioners or
 board of county supervisors;

under IC 3-10-2-13;

(2) the board of county commissioners or board of county
 supervisors for the county (whichever is applicable) is
 abolished December 31 of the year in which the general
 election is held to elect the county chief executive officer; and
 (3) notwithstanding IC 36-2-2-3, the term of each county
 commissioner or member of the board of county supervisors
 (whichever is applicable) serving on December 31 of the year
 in which the general election is held to elect the chief executive
 officer expires January 1 of the next year.

Sec. 5. (a) The term of office of a chief executive officer is four
 (4) years, beginning January 1 after election and continuing until
 a successor is elected and qualified.

(b) To be eligible for election as the chief executive officer, an
 individual must meet the qualifications prescribed by IC 3-8-1-21.
 If an individual does not remain a resident of the county after
 taking office as the chief executive officer, the individual forfeits
 the office. The county legislative body shall declare the office
 vacant whenever the chief executive officer forfeits office under

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1 this subsection.

2 Sec. 6. (a) On January 1 following the year of the election of the
3 chief executive officer, all of the property, assets, funds, equipment,
4 records, rights, contracts, obligations, and liabilities of the board
5 of county commissioners of a county are transferred to or assumed
6 by the chief executive officer. However, in a county in which the
7 voters of the county under IC 36-2-3.9-8 change the structure of
8 county government from a structure with a board of county
9 supervisors to a structure with a chief executive officer, on January
10 1 following the year of the election of the chief executive officer:

11 (1) all of the property, assets, funds, equipment, records,
12 rights, contracts, obligations, and liabilities of the board of
13 county supervisors related to executive functions of the county
14 are transferred to or assumed by the chief executive officer;
15 and

16 (2) all of the property, assets, funds, equipment, records,
17 rights, contracts, obligations, and liabilities of the board of
18 county supervisors related to legislative and fiscal functions
19 of the county are transferred to or assumed by the county
20 council.

21 (b) The abolishment of the board of county commissioners of a
22 county or board of county supervisors on January 1, following the
23 year of the election of the chief executive officer, does not
24 invalidate:

25 (1) any ordinances, resolutions, fees, schedules, or other
26 actions adopted or taken by the board of county
27 commissioners or board of county supervisors before January
28 1; or

29 (2) any appointments made by the board of county
30 commissioners or board of county supervisors before January
31 1.

32 Sec. 7. (a) All powers and duties of the county that are executive
33 or administrative in nature shall be exercised or performed by the
34 chief executive officer, except to the extent that these powers and
35 duties are expressly assigned by law to another elected or
36 appointed officer. The chief executive officer shall transact the
37 business of the county in the name of "The Chief Executive Officer
38 of the County of _____".

39 (b) For purposes of a county subject to this chapter, after
40 December 31 of the year a chief executive officer is elected, any
41 reference:

42 (1) in the Indiana Code;

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1 (2) in the Indiana Administrative Code; or
 2 (3) in an ordinance or resolution;
 3 to the board of commissioners pertaining to the executive powers
 4 of a county shall be considered a reference to the chief executive
 5 officer of the county. For purposes of a county subject to this
 6 chapter, after December 31 of the year a chief executive officer is
 7 elected, any reference in the Indiana Code related to the executive
 8 powers and duties of the board of county commissioners shall, for
 9 purposes of a county subject to this chapter, be considered a
 10 reference to the powers and duties of the chief executive officer of
 11 the county.

12 (c) The county council has the legislative and fiscal powers and
 13 duties of the county as provided in IC 36-2-3.7.

14 Sec. 8. The chief executive officer shall do the following:

15 (1) Report on the condition of the county before March 1 of
 16 each year to the county legislative body and to the residents of
 17 the county.

18 (2) Recommend before March 1 of each year to the county
 19 legislative body any action or program the chief executive
 20 officer considers necessary for the improvement of the county
 21 and the welfare of county residents.

22 (3) Submit to the county legislative body an annual budget in
 23 accordance with IC 36-2-5.

24 (4) Establish the procedures to be followed by all county
 25 departments, offices, and agencies under the chief executive
 26 officer's jurisdiction to the extent these procedures are not
 27 expressly assigned by law to another elected or appointed
 28 officer.

29 (5) Administer all statutes, ordinances, and regulations
 30 applicable to the county, to the extent the administration of
 31 these matters is not expressly assigned by law to another
 32 elected or appointed officer.

33 (6) Supervise the care and custody of all county property.

34 (7) Supervise the collection of revenues and control all
 35 disbursements and expenditures, and prepare a complete
 36 account of all expenditures, to the extent these matters are not
 37 expressly assigned by law to another elected or appointed
 38 officer.

39 (8) Review, analyze, and forecast trends for county services
 40 and finances and programs of all county governmental
 41 entities, and report and recommend on these to the county
 42 legislative body by March 15 of each year.

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(9) Negotiate contracts for the county.

(10) Make recommendations concerning the nature and location of county improvements, and provide for the execution of those improvements.

(11) Supervise county administrative offices, except for the offices of elected officers.

(12) Do the following in January of each year:

(A) Make a settlement with the county treasurer for the preceding calendar year and include a copy of the settlement sheet in the order book of the chief executive officer.

(B) Make an accurate statement of the county's receipts and expenditures during the preceding calendar year. The statement must include the name of and total compensation paid to each county officer, deputy, and employee. The executive shall post this statement at the courthouse door and two (2) other places in the county and shall publish it in the manner prescribed by IC 5-3-1.

(13) Perform other duties and functions that are assigned to the chief executive officer by statute or ordinance.

Sec. 9. The chief executive officer may do any of the following:

(1) Order any department, office, or agency under the chief executive officer's jurisdiction to undertake any task for another department, office, or agency under the chief executive officer's jurisdiction on a temporary basis, if necessary for the proper and efficient administration of county government.

(2) Establish and administer centralized budgeting, centralized personnel selection, and centralized purchasing.

(3) Audit the accounts of officers who deal with money belonging to or appropriated for the benefit of the county.

(4) Approve accounts chargeable against the county and direct the raising of money necessary for county expenses.

(5) Make orders concerning county property, including orders for:

(A) the sale of the county's public buildings and the acquisition of land in the county seat on which to build new public buildings; and

(B) the acquisition of land for a public square and the maintenance of that square.

However, a conveyance or purchase by a county of land having a value of one thousand dollars (\$1,000) or more must

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be authorized by an ordinance of the county legislative body fixing the terms and conditions of the transaction.

Sec. 10. (a) The chief executive officer shall establish and maintain a county courthouse, county jail, and public offices for the county clerk, the county auditor, the county recorder, the county treasurer, the county sheriff, and the county surveyor.

(b) Offices for the surveyor must be in the courthouse or at the county seat.

(c) Offices for the sheriff may be located:

- (1) in the courthouse;
- (2) inside the corporate limits of the county seat; or
- (3) outside the corporate limits of the county seat but within the limits of the county.

Sec. 11. (a) The chief executive officer may grant licenses, permits, or franchises for the use of county property if the licenses, permits, or franchises:

- (1) are not exclusive;
- (2) are of a definite duration; and
- (3) are assignable only with the consent of the chief executive officer.

(b) If a public utility or municipally owned or operated utility that carries on business outside the corporate boundaries of municipalities in the county is engaged in an activity substantially similar to that for which a license, permit, or franchise for the use of county property is sought, the chief executive officer may grant the license, permit, or franchise only with the consent of the utility regulatory commission. The commission may give its consent only if it determines, after a public hearing of all interested parties, that public necessity and convenience require the substantially similar activity.

(c) The provisions of this section that concern securing the consent of the utility regulatory commission do not apply to municipally owned or operated utilities.

Sec. 12. Notwithstanding any other law, if a statute requires a county executive to take an executive action by ordinance or resolution, a chief executive officer shall instead take the action by issuing an executive order.

Sec. 13. (a) If the chief executive officer is disqualified from acting in a quasi-judicial proceeding, the chief executive officer shall cease to act in that proceeding. Not later than ten (10) days after the finding that the chief executive officer is disqualified to act in a proceeding, the county auditor shall send a certified copy

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of the record of the proceeding to the judge of the circuit court for the county. If the judge affirms the disqualification of the chief executive officer, the judge shall appoint a disinterested and competent person to serve as a special executive in the proceeding.

(b) A person who consents to serve as a special executive must have the same qualifications as an elected chief executive officer. The person's appointment and oath shall be filed with the county auditor and entered on the records of the chief executive officer. A person appointed as special executive may conduct the proceeding until a final determination is reached.

Sec. 14. The chief executive officer shall keep the chief executive officer's office open on each business day.

Sec. 15. Appointments made by the chief executive officer shall be certified by the county auditor, under the seal of the chief executive officer.

Sec. 16. (a) The chief executive officer may employ a person:

(1) to perform a duty required of a county officer by statute; or

(2) on a commission or percentage basis;

only if the employment is expressly authorized by statute or is found by the chief executive officer to be necessary to the public interest.

(b) If a person's employment under subsection (a) is not expressly authorized by statute, the contract for the person's employment must be filed with the circuit court for the county, and the person must file the person's claims for compensation with that court. Any taxpayer may contest a claim under this section.

(c) A chief executive officer who recklessly violates this section commits a Class C misdemeanor and forfeits the person's office.

Sec. 17. The chief executive officer shall appear before the legislative body of the county at least once each month and at other times as needed to conduct all necessary county business.

Sec. 18. (a) A party to a proceeding before the chief executive officer who is aggrieved by a decision of the chief executive officer may appeal that decision to the circuit court for the county.

(b) A person who is not a party to a proceeding before the chief executive officer may appeal a decision of the chief executive officer only if the person files with the county auditor an affidavit:

(1) specifically setting forth the person's interest in the matter decided; and

(2) alleging that the person is aggrieved by the decision of the chief executive officer.

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(c) An appeal under this section must be taken not later than thirty (30) days after the chief executive officer makes the decision by which the appellant is aggrieved.

(d) An appellant under this section must file with the county auditor a bond conditioned on due prosecution of the appeal. The bond is subject to approval by the county auditor and must be in an amount sufficient to provide security for court costs.

(e) Not later than twenty (20) days after the county auditor receives the appeal bond, the county auditor shall prepare a complete transcript of the proceedings of the chief executive officer related to the decision appealed from and shall deliver the transcript, all documents filed during the proceedings, and the appeal bond to the clerk of the circuit court.

Sec. 19. (a) An appeal under section 18 of this chapter shall be docketed among the other causes pending in the circuit court and shall be tried as an original cause.

(b) A court may decide an appeal under section 18 of this chapter by:

- (1) affirming the decision of the chief executive officer; or
- (2) remanding the cause to the chief executive officer with directions as to how to proceed;

and may require the chief executive officer to comply with this decision.

Sec. 20. (a) The county auditor or the chief executive officer may administer any oaths required by this chapter.

(b) The county sheriff or a county police officer shall attend the meetings of the chief executive officer, if requested by the chief executive officer, and shall execute the chief executive officer's orders.

Sec. 21. (a) Appointments made by the chief executive officer shall be certified by the county auditor, under the seal of the chief executive officer.

(b) If a copy of the chief executive officer's proceedings has been signed and sealed by the county auditor and introduced into evidence in court, that copy is presumed to be an accurate record of the chief executive officer's proceedings.

Sec. 22. If publication of a notice, report, or statement of any kind is required and a county is liable for the cost of that publication, the chief executive officer may not make or pay for publication in more than one (1) newspaper unless publication in two (2) newspapers is required. A person who violates this section commits a Class C infraction.

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1 **Sec. 23. (a) The chief executive officer may employ and fix the**
 2 **compensation of an attorney to represent and advise the executive.**

3 **(b) For purposes of Article 2, Section 9 of the Constitution of the**
 4 **State of Indiana, employment by a chief executive officer as an**
 5 **attorney does not constitute a lucrative office.**

6 SECTION 36. IC 36-2-3-4, AS AMENDED BY P.L.230-2005,
 7 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2009]: Sec. 4. (a) This subsection does not apply to a county
 9 having a population of:

10 (1) more than four hundred thousand (400,000) but less than
 11 seven hundred thousand (700,000); or

12 (2) more than two hundred thousand (200,000) but less than three
 13 hundred thousand (300,000).

14 The county executive **(before January 1, 2013), the county executive**
 15 **(after December 31, 2012) of a county in which the voters**
 16 **determine in a public question under IC 36-2-3.9 in 2010 to not**
 17 **reorganize county government and in which the county has not**
 18 **reorganized county government under IC 36-2-3.9-8, or the**
 19 **legislative body of the county (after December 31, 2012) of a county**
 20 **subject to IC 36-2-3.7 or IC 36-2-3.8) shall, by ordinance, divide the**
 21 county into four (4) contiguous, single-member districts that comply
 22 with subsection (d). If necessary, the county auditor shall call a special
 23 meeting of the executive **(before January 1, 2013), the county**
 24 **executive (after December 31, 2012) of a county in which the voters**
 25 **determine in a public question under IC 36-2-3.9 in 2010 to not**
 26 **reorganize county government and in which the county has not**
 27 **reorganized county government under IC 36-2-3.9-8, or the**
 28 **legislative body of the county (after December 31, 2012) of a county**
 29 **subject to IC 36-2-3.7 or IC 36-2-3.8) to establish or revise districts.**
 30 One (1) member of the fiscal body shall be elected by the voters of
 31 each of the four (4) districts. Three (3) at-large members of the fiscal
 32 body shall be elected by the voters of the whole county.

33 (b) This subsection applies to a county having a population of more
 34 than four hundred thousand (400,000) but less than seven hundred
 35 thousand (700,000). The county redistricting commission established
 36 under IC 36-2-2-4 shall divide the county into seven (7) single-member
 37 districts that comply with subsection (d). One (1) member of the fiscal
 38 body shall be elected by the voters of each of these seven (7)
 39 single-member districts.

40 (c) This subsection applies to a county having a population of more
 41 than two hundred thousand (200,000) but less than three hundred
 42 thousand (300,000). The fiscal body shall divide the county into nine

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(9) single-member districts that comply with subsection (d). Three (3) of these districts must be contained within each of the three (3) districts established under IC 36-2-2-4(c). One (1) member of the fiscal body shall be elected by the voters of each of these nine (9) single-member districts.

(d) Single-member districts established under subsection (a), (b), or (c) must:

(1) be compact, subject only to natural boundary lines (such as railroads, major highways, rivers, creeks, parks, and major industrial complexes);

(2) not cross precinct boundary lines;

(3) contain, as nearly as possible, equal population; and

(4) include whole townships, except when a division is clearly necessary to accomplish redistricting under this section.

(e) A division under subsection (a), (b), or (c) shall be made:

(1) during the first year after a year in which a federal decennial census is conducted; and

(2) when the county executive adopts an order declaring a county boundary to be changed under IC 36-2-1-2.

(f) A division under subsection (a), (b), or (c) may be made in any odd-numbered year not described in subsection (e).

(g) This subsection applies after December 31, 2012, to a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000) if IC 36-2-3.5-6 no longer applies to the county. A court may issue an order, before final hearing, to stay an election if there is sufficient evidence to withstand a motion for summary judgment that the county has not been divided into districts that comply with this section. A preliminary hearing on the question may be held upon the court's own motion. Final judgment on the merits in such a case shall be made not later than thirty (30) days after the stay of election order. If the redistricting is found not to be in compliance with law, the court shall retain jurisdiction and shall order the proper officials to submit not later than thirty (30) days after the order is issued a redistricting plan complying with law. If the proper officials fail to comply with the order, the court shall order the Indiana election commission to divide the county into districts in compliance with law.

SECTION 37. IC 36-2-3.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) **Before January 1, 2013**, this chapter applies to:

(1) a county having a population of:

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(A) more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or

(B) more than two hundred thousand (200,000) but less than three hundred thousand (300,000); and

(2) any other county not having a consolidated city, if both the county executive and the county fiscal body adopt identical ordinances providing for the county to be governed by this chapter beginning on a specified effective date.

(b) After December 31, 2012, this chapter applies only to:

(1) a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); and

(2) a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000), if the voters determine in a public question under IC 36-2-3.9 in 2010 to not reorganize county government and the county has not reorganized county government under IC 36-2-3.9-8.

SECTION 38. IC 36-2-3.6 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Chapter 3.6. County Managers

Sec. 1. (a) This chapter applies:

(1) after December 31, 2012, to a county that has a board of county supervisors elected under IC 36-2-3.8 as the county executive, legislative body, and fiscal body; and

(2) after December 31 of the year in which a board of county supervisors is elected under IC 36-2-3.8 as the county executive, legislative body, and fiscal body if a majority of the voters determined under IC 36-2-3.9-8 to elect a board of county supervisors.

(b) This chapter does not apply to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

Sec. 2. (a) The board of county supervisors of a county subject to this chapter must after December 31 of the year that a board of supervisors is elected, employ a county manager to be the administrative head of the county government.

(b) The board of county supervisors shall determine the county manager's compensation and terms of employment.

(c) The county manager may be employed to serve:

(1) at the pleasure of the board of county supervisors; or

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(2) for a definite tenure not to exceed the longest remaining term in office of a member of the board of county supervisors, in which case the county manager may be dismissed only for cause.

Sec. 3. The board of county supervisors may not employ one of its members as the county manager.

Sec. 4. The board of county supervisors may only employ an individual as the county manager who has attained:

(1) credentialed manager status; or

(2) credentialed manager candidate status;

from the International City/County Management Association. An individual who has credentialed manager candidate status may not continue employment as county manager with the county unless the individual attains credentialed manager status not later than two (2) years after the date the individual is employed as county manager.

Sec. 5. The county manager must, in the manner prescribed by IC 5-4-1, execute a bond for the faithful performance of the county manager's duties.

Sec. 6. The board of county supervisors may appoint a person to perform the duties of the county manager whenever the county manager is absent or unable to perform the county manager's duties.

Sec. 7. The board of county supervisors may not authorize the county manager to issue or execute bonds, notes, or warrants of the county.

Sec. 8. The county manager, under the direction of the board of county supervisors, is responsible for the administrative duties of the county council. Unless a written order or ordinance of the board of county supervisors provides otherwise, the county manager:

(1) shall attend the meetings of the board of county supervisors and recommend actions the county manager considers advisable;

(2) shall hire county employees according to the pay schedules and standards fixed by the board of county supervisors or by statute;

(3) shall suspend, discharge, remove, or transfer county employees, if necessary for the welfare of the county;

(4) may delegate any of the county manager's powers to an employee responsible to the county manager;

(5) shall administer and enforce all ordinances, orders, and

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resolutions of the board of county supervisors;

(6) shall see that all statutes that are required to be administered by the board of county supervisors or a county officer subject to the control of the board of county supervisors are faithfully administered;

(7) shall prepare budget estimates and submit them to the board of county supervisors when required;

(8) shall execute contracts on behalf of the county for materials, supplies, services, or improvements, after the completion of the appropriations, notice, and competitive bidding required by statute; and

(9) may receive service of summons on behalf of the county.

Sec. 9. The county manager may not serve as a member of any body that hears disciplinary charges against a member of the county police department.

Sec. 10. (a) As used in this section, "relative" means:

- (1) a husband;
- (2) a wife;
- (3) a father;
- (4) a mother;
- (5) a son or son-in-law;
- (6) a daughter or daughter-in-law;
- (7) a brother;
- (8) a sister;
- (9) an aunt;
- (10) an uncle;
- (11) a niece; or
- (12) a nephew.

(b) Except as provided in subsection (e), an individual who is a relative of a member of the board of county supervisors may not be appointed to serve as county manager for the county.

(c) Except as provided in subsection (f), an individual who is a relative of an appointed county manager may not:

- (1) be employed in any position with the office of the county manager; or
- (2) receive any compensation for services from the office of county manager.

(d) An individual may not be employed in the office of county manager in a position in which the individual would have a direct supervisory or subordinate relationship with the individual's relative.

(e) This section does not apply to an individual employed as

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1 county manager for at least twelve (12) consecutive months before
 2 the election or appointment of the individual's relative as a
 3 member of the board of county supervisors.

4 (f) This section does not apply to an individual employed in the
 5 office of county manager for at least twelve (12) consecutive
 6 months before the appointment of the individual's relative as the
 7 county manager.

8 (g) This section does not require the termination or
 9 reassignment of any employee of a county from any position held
 10 by that individual before January 1, 2013.

11 SECTION 39. IC 36-2-3.7 IS ADDED TO THE INDIANA CODE
 12 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2009]:

14 **Chapter 3.7. County Council as the County Legislative Body**

15 **Sec. 1. (a) This chapter applies after December 31, 2012, to each**
 16 **county in which the county executive makes a determination under**
 17 **IC 36-2-2.4 that the county executive is a single elected chief**
 18 **executive officer.**

19 (b) This chapter also applies to each county in which a majority
 20 of the voters voting on the public question under IC 36-2-3.9-8
 21 make a determination that the county executive is a single elected
 22 chief executive officer. In a county described in this subsection:

23 (1) the voters of the county shall elect a county council in the
 24 general election next following the year that the public
 25 question was held; and

26 (2) this chapter applies to the county council after December
 27 31 of the year a county council is elected.

28 To provide for staggered terms, the term of office of the initial
 29 members of the county council elected at large is two (2) years,
 30 beginning January 1 after the year the county council is elected,
 31 and continuing until a successor is elected and qualified. For
 32 county council members elected at large in the next general
 33 election and thereafter, the term of office is four (4) years.

34 (c) This chapter does not apply to a county that:

35 (1) has a consolidated city; or

36 (2) has a population of more than four hundred thousand
 37 (400,000) but less than seven hundred thousand (700,000).

38 **Sec. 2. As used in this chapter, "chief executive officer" means**
 39 **the chief executive officer of a county elected under IC 3-10-2-13**
 40 **in a county subject to IC 36-2-2.5.**

41 **Sec. 3. The executive and legislative powers of a county are**
 42 **divided between separate branches of county government. A power**

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1 belonging to one (1) branch of county government may not be
2 exercised by the other branch of county government.

3 Sec. 4. After December 31 of the year in which a county council
4 is elected under IC 36-2-3:

5 (1) the county council is the county legislative body as well as
6 the county fiscal body; and

7 (2) the chief executive officer is the county executive of the
8 county and has the executive and administrative powers and
9 duties of the county as provided in IC 36-2-2.5.

10 Sec. 5. (a) All powers and duties of the county that are legislative
11 in nature shall be exercised or performed by the county council
12 functioning as the county legislative body.

13 (b) The county council has the same legislative powers and
14 duties that the board of county commissioners in the county had
15 before the board of county commissioners was abolished.

16 Sec. 6. The county council may do any of the following:

17 (1) Establish committees that are necessary to carry out the
18 county council's functions.

19 (2) Employ legal and administrative personnel necessary to
20 carry out the county council's functions.

21 (3) Pass all ordinances, orders, resolutions, and motions for
22 the government of the county, in the manner prescribed by
23 IC 36-2-4.

24 (4) Receive gifts, bequests, and grants from public or private
25 sources.

26 (5) Conduct investigations into the conduct of county business
27 for the purpose of correcting deficiencies and ensuring
28 adherence to law and county ordinances and policies.

29 (6) Establish, by ordinance, new county departments,
30 divisions, or agencies whenever necessary to promote efficient
31 county government.

32 SECTION 40. IC 36-2-3.8 IS ADDED TO THE INDIANA CODE
33 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2009]:

35 Chapter 3.8. Board of County Supervisors as County Executive,
36 County Legislative Body, and County Fiscal Body

37 Sec. 1. (a) Except as specifically provided by law, this chapter
38 applies to the following:

39 (1) After December 31, 2012, to each county in which:

40 (A) the county executive makes a determination under
41 IC 36-2-2.4; or

42 (B) a majority of the voters voting on the public question

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- 1 in the 2010 general election under IC 36-2-3.9 make a
 2 determination;
 3 that the board of county supervisors is the county executive,
 4 the county legislative body, and the county fiscal body.
 5 (2) Each county in which a majority of voters voting on a
 6 public question under IC 36-2-3.9-8 determines that the board
 7 of county supervisors is the county executive, the county
 8 legislative body, and the county fiscal body. This chapter
 9 applies to a county under this subdivision after December 31
 10 of the year in which a board of county supervisors is elected.
 11 (b) This chapter does not apply to a county:
 12 (1) that has a consolidated city; or
 13 (2) having a population of more than four hundred thousand
 14 (400,000) but less than seven hundred thousand (700,000).
 15 Sec. 2. In a county subject to this chapter, the board of county
 16 supervisors:
 17 (1) is the county executive, the county legislative body, and the
 18 county fiscal body;
 19 (2) shall exercise the executive, legislative, and fiscal powers
 20 of the county;
 21 (3) has the same executive and administrative powers and
 22 duties as are specified for a chief executive officer in a county
 23 subject to IC 36-2-2.5;
 24 (4) has the same legislative powers and duties as are specified
 25 for a county council in a county subject to IC 36-2-3.7; and
 26 (5) has the same fiscal powers and duties as are specified for
 27 a county council under IC 36-2-3.
 28 Sec. 3. (a) In a county subject to this chapter, the voters of the
 29 county shall elect a board of county supervisors under the
 30 provisions of IC 36-2-3 that apply to the election of a county
 31 council.
 32 (b) In a county described in section 1(a)(1) of this chapter:
 33 (1) the board of county commissioners for the county is
 34 abolished January 1, 2013;
 35 (2) notwithstanding IC 36-2-2, the term of each county
 36 commissioner elected in 2010 is two (2) years rather than four
 37 (4) years;
 38 (3) notwithstanding IC 36-2-2, the term of each county
 39 commissioner serving on December 31, 2012, expires at the
 40 end of that day;
 41 (4) notwithstanding IC 36-2-3, the term of each county council
 42 member elected in 2010 is two (2) years rather than four (4)

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years; and

(5) notwithstanding IC 36-2-3, the term of each county council member serving on December 31, 2012, expires at the end of that day.

(c) In a county described in section 1(a)(2) of this chapter:

(1) the board of county commissioners or county chief executive officer (whichever is applicable) for the county is abolished January 1 after a board of county supervisors is elected;

(2) notwithstanding IC 36-2-2, the term of each county commissioner or the county chief executive officer (whichever is applicable) serving on December 31 of the year that a board of county supervisors is elected expires at the end of that day; and

(3) notwithstanding IC 36-2-3, the term of each county council member serving on December 31 of the year that a board of county supervisors is elected expires at the end of that day.

(d) Except as provided in subsections (e), (f), (g), and (h), the term of office of a board of county supervisors member elected under this chapter is four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified.

(e) This subsection applies only to a county under section 1(a)(1) of this chapter. To provide for staggered terms, the term of office of the initial members of the board of county supervisors elected at large in 2012 shall be two (2) years, beginning January 1, 2013, and continuing until a successor is elected and qualified. For board of county supervisors members elected at large in 2014 and thereafter, the term of office is four (4) years.

(f) This subsection applies only to a county under section 1(a)(2) of this chapter. In a county described in this subsection, the voters of the county shall elect a board of county supervisors in the general election next following the year that the public question was held under IC 36-2-3.9-8 in which the voters determined that the board of county supervisors is the county executive, the county legislative body, and the county fiscal body. To provide for staggered terms, the term of office of the initial members of the board of county supervisors elected at large shall be two (2) years, beginning January 1 after the year the board of county supervisors is elected, and continuing until a successor is elected and qualified. For board of county supervisors members elected at large in the next general election and thereafter, the term of office is four (4) years.

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(g) This subsection applies if this chapter applies to a county under section 1(a)(1) of this chapter having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000) that has board of county supervisors members elected from nine (9) single-member districts. To provide for staggered terms, the term of office of the initial members of the board of county supervisors elected under this chapter in 2012 from four (4) districts (as specified by the county council before January 1, 2012) shall be four (4) years, beginning January 1, 2013, and continuing until a successor is elected and qualified, and the initial term of office of the initial members of the board of county supervisors elected under this chapter in 2012 from the other five (5) districts (as specified by the county council before January 1, 2012) shall be two (2) years.

(h) This subsection applies if this chapter applies to a county under section 1(a)(2) of this chapter having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000) that has board of county supervisors members elected from nine (9) single-member districts. To provide for staggered terms, the term of office of the initial members of the board of county supervisors elected under this chapter in the general election from four (4) districts (as specified by the county council before January 1 of the year the general election is held) shall be four (4) years, beginning January 1 of the year following the election of the board of county supervisors and continuing until a successor is elected and qualified. The initial term of office of the initial members of the board of county supervisors elected under this chapter in the general election from the other five (5) districts (as specified by the county council before January 1 of the year of the general election) shall be two (2) years.

Sec. 4. (a) On January 1 after the election of the board of supervisors in a county subject to this chapter, all of the property, assets, funds, equipment, records, rights, contracts, obligations, and liabilities of the board of county commissioners or county chief executive officer (whichever is applicable) and the county council of the county are transferred to or assumed by the board of county supervisors.

(b) The abolishment of the board of county commissioners or county chief executive officer (whichever is applicable) and the county council of a county on January 1 after the election of the board of supervisors does not invalidate:

(1) any ordinances, resolutions, fees, schedules, or other

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actions adopted or taken by the board of county commissioners, county chief executive officer, or county council before January 1; or

(2) any appointments made by the board of county commissioners, county chief executive officer, or county council before January 1.

Sec. 5. (a) For purposes of a county subject to this chapter, after December 31 of the year a board of county supervisors is elected, any reference:

(1) in the Indiana Code;

(2) in the Indiana Administrative Code; or

(3) in an ordinance or resolution;

to the board of commissioners pertaining to the executive powers of a county shall be considered a reference to the board of county supervisors of the county. For purposes of a county subject to this chapter, after December 31 of a year a board of county supervisors is elected, any reference in the Indiana Code related to the executive powers and duties of the board of county commissioners shall, for purposes of a county subject to this chapter, be considered a reference to the powers and duties of the board of county supervisors of the county.

(b) For purposes of a county subject to this chapter, after December 31 of the year a board of county supervisors is elected, any reference:

(1) in the Indiana Code;

(2) in the Indiana Administrative Code; or

(3) in an ordinance or resolution;

to the county council shall be considered a reference to the board of county supervisors of the county. For purposes of a county subject to this chapter, after December 31 of the year a board of county supervisors is elected, any reference in the Indiana Code related to the legislative and fiscal powers and duties of the county council shall, for purposes of a county subject to this chapter, be considered a reference to the powers and duties of the board of county supervisors of the county. supervisors of the county.

SECTION 41. IC 36-2-3.9 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Chapter 3.9. Public Question on Reorganization of County Government

Sec. 1. (a) This chapter does not apply to the following:

(1) A county having a consolidated city.

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(2) A county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

Sec. 2. Except as provided in section 1 of this chapter, this chapter applies to the following counties:

(1) A county in which the county executive has adopted a resolution under IC 36-2-2.4 specifying that the voters of the county shall decide the structure of county government in a public question.

(2) A county in which the county executive fails to adopt a resolution under IC 36-2-2.4-2 before November 15, 2009.

(3) A county in which voters petition for a public question under section 8 of this chapter to decide the structure of county government.

Sec. 3. In a county to which this chapter applies, the following public question shall be placed on the ballot at the 2010 general election held in the county:

"Choose only one of the following options for the reorganization of the county government of (insert the name of the county) County:

() The county government shall be reorganized to place executive, legislative, and fiscal powers in a board of county supervisors.

() The county government shall not be reorganized."

Sec. 4. IC 3, except where inconsistent with this chapter, applies to a public question placed on the ballot under this chapter.

Sec. 5. A political subdivision may not do any of the following concerning a public question under this chapter:

(1) Allow facilities or equipment, including mail and messaging systems, owned by the political subdivision to be used for public relations purposes to promote a position on the public question under this chapter.

(2) Make an expenditure of money from a fund controlled by the political subdivision to promote a position on the public question under this chapter.

(3) Use an employee to promote a position on the public question under this chapter during the employee's normal working hours or paid overtime, or otherwise compel an employee to promote a position on the public question under this chapter at any time.

Sec. 6. If a majority of the voters who vote on the public question at the 2010 general election vote in favor of reorganizing

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1 county government to place executive, legislative, and fiscal powers
2 in a board of county supervisors, IC 36-2-3.8 applies to the county.

3 Sec. 7. If a majority of the voters who vote on the public
4 question at the 2010 general election vote in favor of not
5 reorganizing the county government, the following apply to the
6 county:

7 (1) IC 36-2-2.

8 (2) IC 36-2-3.

9 (3) IC 36-2-3.5, for a county having a population of more than
10 two hundred thousand (200,000) but less than three hundred
11 thousand (300,000).

12 Sec. 8. (a) In a county to which this chapter applies, the voters
13 of the county may file a written petition with the circuit court clerk
14 of the county requesting that a local public question applicable to
15 the county under subsection (d), be placed on the ballot for any
16 general election held after 2012. The petition must:

17 (1) be signed by at least five percent (5%) of the voters of the
18 county, as determined by the vote cast in the county for
19 secretary of state at the most recent general election;

20 (2) state the public question that shall be placed on the ballot
21 under subsection (d);

22 (3) be substantially in the form prescribed by the state board
23 of accounts; and

24 (4) be filed before July 1 of the year in which the public
25 question would be placed on the ballot.

26 The circuit court clerk shall certify the petition to the county
27 election board in accordance with IC 3-10-9-3 and to the county
28 council of the county.

29 (b) If a county to which this chapter applies has not reorganized
30 county government and has a board of county commissioners, the
31 board of county commissioners may, after a public hearing, adopt
32 a resolution specifying that the voters of the county shall decide the
33 structure of county government in a public question under
34 subsection (e). The resolution must specify which one (1) of the two
35 (2) sets of questions under subsection (e) shall be placed on the
36 ballot. The board of county commissioners shall before July 1 of
37 the year in which the public question would be placed on the ballot
38 certify the resolution to:

39 (1) the circuit court clerk of the county;

40 (2) the county election board in accordance with IC 3-10-9-3;
41 and

42 (3) the county council.

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(c) If the requirements of subsection (a) or (b) are satisfied, the county election board shall place the local public question on the ballot in the county during the general election.

(d) In the case of a public question placed on the ballot as a result of a petition submitted by voters under subsection (a), the public question placed on the ballot must be one (1) of the following, as determined in the petition under this section:

(1) "Choose only one of the following options for the reorganization of the county government of (insert the name of the county) County:

() The county government shall be reorganized to place executive, legislative, and fiscal powers in a board of county supervisors.

() The county government shall not be reorganized."

(2) "Choose only one of the following options for the reorganization of the county government of (insert the name of the county) County:

() The county government shall be reorganized to place executive powers in a single elected county executive and to place legislative and fiscal powers in the county council.

() The county government shall not be reorganized."

(e) In the case of a public question placed on the ballot as a result of a resolution adopted by the board of county commissioners under subsection (b), the public question placed on the ballot must be one (1) of the following, as determined in the resolution adopted by the board of county commissioners:

(1) "Choose only one of the following options for the reorganization of the county government of (insert the name of the county) County:

() The county government shall be reorganized to place executive, legislative, and fiscal powers in a board of county supervisors.

() The county government shall not be reorganized."

(2) "Choose only one of the following options for the reorganization of the county government of (insert the name of the county) County:

() The county government shall be reorganized to place executive powers in a single elected county executive and to place legislative and fiscal powers in the county council.

() The county government shall not be reorganized."

(f) If a majority of the voters who vote on a public question vote in favor of reorganizing county government, the following apply:

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(1) If the vote is in favor of placing executive, legislative, and fiscal powers in a board of county supervisors, IC 36-2-3.8 applies to the county.

(2) If the vote is in favor of placing executive powers in a single elected county executive and placing legislative and fiscal powers in the county council, IC 36-2-2.5 and IC 36-2-3.7 apply to the county.

(g) If a majority of the voters who vote on the public question vote in favor of not reorganizing county government, the law applicable to the county's structure of government continues to apply.

SECTION 42. IC 36-2-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) An ordinance, order, or resolution is considered adopted when it is signed by the presiding officer. If required, an adopted ordinance, order, or resolution must be promulgated or published according to statute before it takes effect.

(b) An ordinance prescribing a penalty or forfeiture for a violation must, before it takes effect, be published once each week for two (2) consecutive weeks, according to IC 5-3-1. However, if such an ordinance is adopted by the legislative body of a county subject to IC 36-2-3.5, **IC 36-2-3.7 (after December 31, 2012), or IC 36-2-3.8 (after December 31, 2012)** and there is an urgent necessity requiring its immediate effectiveness, it need not be published if:

- (1) the county executive proclaims the urgent necessity; and
- (2) copies of the ordinance are posted in three (3) public places in each of the districts of the county before it takes effect.

(c) In addition to the other requirements of this section, an ordinance or resolution passed by the legislative body of a county subject to IC 36-2-3.5 is considered adopted only if it is:

- (1) approved by signature of a majority of the county executive;
- (2) neither approved nor vetoed by a majority of the executive within ten (10) days after passage by the legislative body; or
- (3) passed over the veto of the executive by a two-thirds (2/3) vote of the legislative body, within sixty (60) days after presentation of the ordinance or resolution to the executive.

(d) After an ordinance or resolution passed by the legislative body of a county subject to IC 36-2-3.5 has been signed by the presiding officer, the county auditor shall present it to the county executive, and record the time of the presentation. Within ten (10) days after an ordinance or resolution is presented to it, the executive shall:

- (1) approve the ordinance or resolution, by signature of a majority

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of the executive, and send the legislative body a message announcing its approval; or

(2) veto the ordinance or resolution, by returning it to the legislative body with a message announcing its veto and stating its reasons for the veto.

(e) This section does not apply to a zoning ordinance or amendment to a zoning ordinance, or a resolution approving a comprehensive plan, that is adopted under IC 36-7.

(f) An ordinance increasing a building permit fee on new development must:

(1) be published:

(A) one (1) time in accordance with IC 5-3-1; and

(B) not later than thirty (30) days after the ordinance is adopted by the legislative body in accordance with IC 5-3-1; and

(2) delay the implementation of the fee increase for ninety (90) days after the date the ordinance is published under subdivision (1).

SECTION 43. IC 36-3-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. (a) The board of commissioners of the county is composed of the county treasurer, the county auditor, and the county assessor. These officers shall serve ex officio as commissioners without additional compensation for performing the duties of the board.

(b) The board of commissioners:

(1) shall make the appointments required by statute to be made by the board of commissioners of a county;

(2) shall perform the duties and exercise the powers prescribed by statutes pertaining to the issuance and payment of bonds of the county and the expenditure of the unexpended proceeds of those bonds; and

(3) may exercise the powers granted it by Article 9, Section 3 of the Constitution of the State of Indiana and by IC 12-30-3.

(c) Notwithstanding any other provision, an act enacted by the general assembly during the first regular session of the one hundred sixteenth general assembly to provide for:

(1) a single elected county chief executive officer after December 31, 2012; or

(2) a board of county supervisors elected under IC 36-2-3.8 that is the county executive, county legislative body, and county fiscal body;

in certain counties not containing a consolidated city does not

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1 (except as specifically provided by law) affect the rights, powers,
2 and duties of the board of commissioners in a county containing a
3 consolidated city.

4 SECTION 44. THE FOLLOWING ARE REPEALED [EFFECTIVE
5 JULY 1, 2009]: IC 8-17-4.1-5; IC 8-17-4.1-6; IC 8-17-4.1-7;
6 IC 8-17-4.1-8; IC 33-32-3-6; IC 36-1.5-4-12; IC 36-2-9-11;
7 IC 36-2-10-16; IC 36-3-5-11.

8 SECTION 45. [EFFECTIVE JULY 1, 2009] (a) The legislative
9 services agency shall prepare, as directed by the legislative council,
10 legislation for introduction in the 2010 regular session of the
11 general assembly to organize and correct statutes affected by this
12 act, if necessary.

13 (b) This SECTION expires July 1, 2010.

14 SECTION 46. An emergency is declared for this act.

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COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill No. 506, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to SB 506 as introduced.)

LAWSON C, Chairperson

Committee Vote: Yeas 6, Nays 5.

 SENATE MOTION

Madam President: I move that Senate Bill 506 be amended to read as follows:

Page 1, delete lines 1 through 15, begin a new paragraph and insert:

"SECTION 1. IC 3-5-2-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 22. **(a) Except as provided in subsection (b), "executive" means:**

(1) ~~board of county commissioners~~ for a county not having a consolidated city:

(A) before January 1, 2013, the board of county commissioners; and

(B) after December 31, 2012:

(i) the board of county commissioners elected under IC 36-2-2 (in a county in which the voters determine in a public question under IC 36-2-3.9 in 2010 to not reorganize county government and in which the county has not reorganized county government under IC 36-2-3.9-8);

(ii) the chief executive officer elected under IC 36-2-2.5 (in a county subject to IC 36-2-2.5); or

(iii) the board of county supervisors elected under IC 36-2-3.8 (in a county subject to IC 36-2-3.8);

(2) for a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000), the board of county commissioners;



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- ~~(2)~~ (3) the mayor of the consolidated city, for a county having a consolidated city;
~~(3)~~ (4) the mayor, for a city;
~~(4)~~ (5) the president of the town council, for a town; or
~~(5)~~ (6) a trustee, for a township.

(b) This subsection applies to a county not having a consolidated city (excluding a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000)), in which a majority of voters approve a reorganization of county government in a public question under IC 36-2-3.9-8. Effective January 1 following the election of the county executive, "executive" means:

- (1) the chief executive officer elected under IC 36-2-2.5 (in a county subject to IC 36-2-2.5); or**
(2) the board of county supervisors elected under IC 36-2-3.8 (in a county subject to IC 36-2-3.8);

as determined by the voters of the county under IC 36-2-3.9-8."

Page 2, delete lines 1 through 6.

Page 2, line 8, delete "This subsection applies to".

Page 2, line 9, delete "elections before 2012".

Page 2, delete lines 22 through 42, begin a new paragraph and insert:

"SECTION 3. IC 3-10-1-19, AS AMENDED BY P.L.146-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 19. (a) The ballot for a primary election shall be printed in substantially the following form for all the offices for which candidates have qualified under IC 3-8:

OFFICIAL PRIMARY BALLOT

_____ Party

For paper ballots, print: To vote for a person, make a voting mark (X or ✓) on or in the box before the person's name in the proper column. For optical scan ballots, print: To vote for a person, darken or shade in the circle, oval, or square (or draw a line to connect the arrow) that precedes the person's name in the proper column. For optical scan ballots that do not contain a candidate's name, print: To vote for a person, darken or shade in the oval that precedes the number assigned to the person's name in the proper column. For electronic voting systems, print: To vote for a person, touch the screen (or press the button) in the location indicated.

Vote for one (1) only

Representative in Congress

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☐ (2) CD _____

☐ (3) EF _____

☐ (4) GH _____

(b) The offices with candidates for nomination shall be placed on the primary election ballot in the following order:

(1) Federal and state offices:

(A) President of the United States.

(B) United States Senator.

(C) Governor.

(D) United States Representative.

(2) Legislative offices:

(A) State senator.

(B) State representative.

(3) Circuit offices and county judicial offices:

(A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.

(B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.

(C) Judge of the probate court.

(D) Judge of the county court, with each division separate, as required by IC 33-30-3-3.

(E) Prosecuting attorney.

(F) Circuit court clerk.

(4) **The following** county offices:

(A) County auditor.

(B) County recorder.

(C) County treasurer.

(D) County sheriff.

(E) County coroner.

(F) County surveyor.

(G) County assessor.

(H) County commissioner. **However, for elections after 2010, county commissioners shall be elected only in a county:**

(i) having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or

(ii) in which the voters determine in a public question under IC 36-2-3.9 in 2010 to not reorganize county government and in which the county has not reorganized county government under IC 36-2-3.9-8.

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(I) County chief executive officer, for elections in 2012 and thereafter, shall be elected only in a county:

- (i) in which the county executive determines under IC 36-2-2.4 that the chief executive officer shall be the county executive; or**
- (ii) in which voters determine in a public question under IC 36-2-3.9-8 to elect a county chief executive officer.**

(J) County council member in a county:

- (i) having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000);**
- (ii) in which the county executive determines under IC 36-2-2.4 that the voters shall elect a county council;**
- (iii) in which the voters determine in a public question under IC 36-2-3.9-8 to elect a county council; or**
- (iv) in which the voters determine in a public question under IC 36-2-3.9 in 2010 to not reorganize county government and in which the county has not reorganized county government under IC 36-2-3.9-8.**

(K) Board of county supervisors member, for elections in 2012 and thereafter (in a county subject to IC 36-2-3.8) in a county:

- (i) in which the county executive determines under IC 36-2-2.4 that the voters shall elect a board of county supervisors;**
- (ii) in which the voters determine in a public question under IC 36-2-3.9 at the general election in 2010 to elect a board of county supervisors; or**
- (iii) in which voters determine in a public question under IC 36-2-3.9-8 to elect a board of county supervisors.**

(5) Township offices:

- (A) Township assessor (only in a township referred to in IC 36-6-5-1(d)).**
- (B) Township trustee.**
- (C) Township board member.**
- (D) Judge of the small claims court.**
- (E) Constable of the small claims court.**

(6) City offices:

- (A) Mayor.**
- (B) Clerk or clerk-treasurer.**
- (C) Judge of the city court.**
- (D) City-county council member or common council member.**

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(7) Town offices:

- (A) Clerk-treasurer.
- (B) Judge of the town court.
- (C) Town council member.

(c) The political party offices with candidates for election shall be placed on the primary election ballot in the following order after the offices described in subsection (b):

- (1) Precinct committeeman.
- (2) State convention delegate.

(d) The following offices and public questions shall be placed on the primary election ballot in the following order after the offices described in subsection (c):

- (1) School board offices to be elected at the primary election.
- (2) Other local offices to be elected at the primary election.
- (3) Local public questions.

(e) The offices and public questions described in subsection (d) shall be placed:

- (1) in a separate column on the ballot if voting is by paper ballot;
- (2) after the offices described in subsection (c) in the form specified in IC 3-11-13-11 if voting is by ballot card; or
- (3) either:
 - (A) on a separate screen for each office or public question; or
 - (B) after the offices described in subsection (c) in the form specified in IC 3-11-14-3.5;

if voting is by an electronic voting system.

(f) A public question shall be placed on the primary election ballot in the following form:

(The explanatory text for the public question,
if required by law.)
"Shall (insert public question)?"

☐ YES

☐ NO

SECTION 4. IC 3-10-2-13, AS AMENDED BY P.L.146-2008, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13. The following public officials shall be elected at the general election before their terms of office expire and every four (4) years thereafter:

- (1) Clerk of the circuit court.
- (2) County auditor.
- (3) County recorder.
- (4) County treasurer.
- (5) County sheriff.



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- (6) County coroner.
- (7) County surveyor.
- (8) County assessor.
- (9) County commissioner. **However, for elections after 2010, county commissioners shall be elected only in a county:**
 - (A) **having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or**
 - (B) **in which the voters determine in a public question under IC 36-2-3.9 in 2010 to not reorganize county government and in which the county has not reorganized county government under IC 36-2-3.9-8.**
- (10) County chief executive officer, for elections in 2012 and thereafter, shall be elected only in a county:
 - (A) **in which the county executive determines under IC 36-2-2.4 that the chief executive officer shall be the county executive; or**
 - (B) **in which the voters determine in a public question under IC 36-2-3.9-8 to elect a county chief executive officer.**
- ~~(10)~~ (11) County council member. **However, for elections after 2010, county council members shall be elected only in a county:**
 - (A) **having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000);**
 - (B) **in which the county executive determines under IC 36-2-2.4 that the voters shall elect a county council;**
 - (C) **in which the voters choose in a public question under IC 36-2-3.9-8 to elect a county council; or**
 - (D) **in which the voters determine in a public question under IC 36-2-3.9 in 2010 to not reorganize county government and in which the county has not reorganized county government under IC 36-2-3.9-8.**
- (12) Board of county supervisors member, for elections in 2012 and thereafter, in a county:
 - (A) **in which the county executive determines under IC 36-2-2.4 that the voters shall elect a board of county supervisors under IC 36-2-3.9;**
 - (B) **in which the voters determine in a public question under IC 36-2-3.9 at the general election in 2010 to elect a board of county supervisors; or**

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(C) in which voters determine in a public question under IC 36-2-3.9-8 to elect a board of county supervisors.

- ~~(11)~~ **(13)** Township trustee.
- ~~(12)~~ **(14)** Township board member.
- ~~(13)~~ **(15)** Township assessor (only in a township referred to in IC 36-6-5-1(d)).
- ~~(14)~~ **(16)** Judge of a small claims court.
- ~~(15)~~ **(17)** Constable of a small claims court.

SECTION 5. IC 3-11-2-12, AS AMENDED BY P.L.146-2008, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. The following offices shall be placed on the general election ballot in the following order:

- (1) Federal and state offices:
 - (A) President and Vice President of the United States.
 - (B) United States Senator.
 - (C) Governor and lieutenant governor.
 - (D) Secretary of state.
 - (E) Auditor of state.
 - (F) Treasurer of state.
 - (G) Attorney general.
 - (H) Superintendent of public instruction.
 - (I) United States Representative.
- (2) Legislative offices:
 - (A) State senator.
 - (B) State representative.
- (3) Circuit offices and county judicial offices:
 - (A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.
 - (B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.
 - (C) Judge of the probate court.
 - (D) Judge of the county court, with each division separate, as required by IC 33-30-3-3.
 - (E) Prosecuting attorney.
 - (F) Clerk of the circuit court.
- (4) **The following** county offices:
 - (A) County auditor.
 - (B) County recorder.
 - (C) County treasurer.
 - (D) County sheriff.

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- (E) County coroner.
- (F) County surveyor.
- (G) County assessor.
- (H) County commissioner. **However, for elections after 2010, county commissioners shall be elected only in a county:**
 - (i) **having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or**
 - (ii) **in which the voters determine in a public question under IC 36-2-3.9 in 2010 to not reorganize county government and in which the county has not reorganized county government under IC 36-2-3.9-8.**
- (I) County chief executive officer, for elections in 2012 and thereafter, shall be elected only in a county:
 - (i) **in which the county executive determines under IC 36-2-2.4 that the chief executive officer shall be the county executive; or**
 - (ii) **in which voters determine in a public question under IC 36-2-3.9-8 to elect a county chief executive officer.**
- †(J) County council member in a county:
 - (i) **having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000);**
 - (ii) **in which the county executive determines under IC 36-2-2.4 that the voters shall elect a county council;**
 - (iii) **in which the voters determine in a public question under IC 36-2-3.9-8 to elect a county council; or**
 - (iv) **in which the voters determine in a public question under IC 36-2-3.9 in 2010 to not reorganize county government and in which the county has not reorganized county government under IC 36-2-3.9-8.**
- (K) Board of county supervisors member, for elections in 2012 and thereafter, in a county:
 - (i) **in which the county executive determines under IC 36-2-2.4 that the voters shall elect a board of county supervisors;**
 - (ii) **in which the voters determine in a public question under IC 36-2-3.9 at the general election in 2010 to elect a board of county supervisors; or**
 - (iii) **in which voters determine in a public question under IC 36-2-3.9-8 to elect a board of county supervisors.**
- (5) Township offices:

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- (A) Township assessor (only in a township referred to in IC 36-6-5-1(d)).
- (B) Township trustee.
- (C) Township board member.
- (D) Judge of the small claims court.
- (E) Constable of the small claims court.
- (6) City offices:
 - (A) Mayor.
 - (B) Clerk or clerk-treasurer.
 - (C) Judge of the city court.
 - (D) City-county council member or common council member.
- (7) Town offices:
 - (A) Clerk-treasurer.
 - (B) Judge of the town court.
 - (C) Town council member."

Delete pages 3 through 6.

Page 7, delete lines 1 through 41.

Page 9, delete lines 34 through 42, begin a new paragraph and insert:

"SECTION 11. IC 13-11-2-74 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 74. **(a) Except as provided in subsection (b), "executive" means the following:**

- (1) **Before January 1, 2013, the** board of commissioners of a county not having a consolidated city.
- (2) **After December 31, 2012:**
 - (A) **the county chief executive officer, in a county subject to IC 36-2-2.5;**
 - (B) **the board of county supervisors, in a county subject to IC 36-2-3.8; or**
 - (C) **the board of commissioners in a county:**
 - (i) **having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or**
 - (ii) **in which the voters determine in a public question under IC 36-2-3.9 in 2010 to not reorganize county government and in which the county has not reorganized county government under IC 36-2-3.9-8.**

~~(2)~~ (3) **The** mayor of the consolidated city, for a county having a consolidated city.

~~(3)~~ (4) **The** mayor of a city. ~~or~~

~~(4)~~ (5) **The** president of the town council of a town.

(b) This subsection applies to a county not having a consolidated

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city (excluding a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000)), in which a majority of voters approve a reorganization of county government in a public question under IC 36-2-3.9-8. Effective January 1 following the election of the county executive, "executive" means:

- (1) the county chief executive officer elected under IC 36-2-2.5 (in a county subject to IC 36-2-2.5); or
- (2) the board of county supervisors elected under IC 36-2-3.8 (in a county subject to IC 36-2-3.8);

as determined by the voters of the county under IC 36-2-3.9-8."

Page 10, delete lines 1 through 8.

Page 10, delete lines 18 through 42, begin a new paragraph and insert:

"SECTION 13. IC 36-1-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) **Except as provided in subsection (b), "executive" means the following:**

(1) **Before January 1, 2013, the** board of commissioners for a county not having a consolidated city.

(2) **After December 31, 2012:**

(A) the county chief executive officer, in a county subject to IC 36-2-2.5;

(B) the board of county supervisors, in a county subject to IC 36-2-3.8; or

(C) the board of commissioners in a county:

(i) having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or

(ii) in which the voters determine in a public question under IC 36-2-3.9 in 2010 to not reorganize county government and in which the county has not reorganized county government under IC 36-2-3.9-8.

~~(2)~~ (3) **The** mayor of the consolidated city, for a county having a consolidated city.

~~(3)~~ (4) **The** mayor, for a city.

~~(4)~~ (5) **The** president of the town council, for a town.

~~(5)~~ (6) **The** trustee, for a township.

~~(6)~~ (7) **The** superintendent, for a school corporation. ~~or~~

~~(7)~~ (8) **The** chief executive officer, for any other political subdivision.

(b) **This subsection applies to a county not having a consolidated city (excluding a county having a population of more than four**

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hundred thousand (400,000) but less than seven hundred thousand (700,000)), in which a majority of voters approve a reorganization of county government in a public question under IC 36-2-3.9-8. Effective January 1 following the election of the county executive, "executive" means:

- (1) the county chief executive officer elected under IC 36-2-2.5 (in a county subject to IC 36-2-2.5); or
- (2) the board of county supervisors elected under IC 36-2-3.8 (in a county subject to IC 36-2-3.8);

as determined by the voters under IC 36-2-3.8-8.

SECTION 14. IC 36-1-2-9, AS AMENDED BY P.L.186-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. (a) Except as provided in subsection (b), "legislative body" means the following:

- (1) Before January 1, 2013:
 - (A) the board of county commissioners, for a county not subject to IC 36-2-3.5 or IC 36-3-1; or
 - (2) (B) the county council, for a county subject to IC 36-2-3.5.
- (2) After December 31, 2012, for a county not having a consolidated city:
 - (A) the board of county commissioners, for a county:
 - (i) in which the voters determine in a public question under IC 36-2-3.9 in 2010 to not reorganize county government and in which the county has not reorganized county government under IC 36-2-3.9-8; and
 - (ii) that does not have a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000);
 - (B) the county council, for a county subject to IC 36-2-3.7;
 - (C) the county council, for a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000);
 - (D) the county council, for a county:
 - (i) in which the voters determine in a public question under IC 36-2-3.9 in 2010 to not reorganize county government and in which the county has not reorganized county government under IC 36-2-3.9-8; and
 - (ii) that has a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000); or
 - (E) the board of county supervisors, for a county subject to IC 36-2-3.8.

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- (3) **The** city-county council, for a consolidated city or county having a consolidated city.
- (4) **The** common council, for a city other than a consolidated city.
- (5) **The** town council, for a town.
- (6) **The** township board, for a township.
- (7) **The** governing body of any other political subdivision that has a governing body. ~~or~~
- (8) **The** chief executive officer of any other political subdivision that does not have a governing body.

(b) This subsection applies to a county not having a consolidated city (excluding a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000)), in which a majority of voters approve a reorganization of county government in a public question under IC 36-2-3.9-8. Effective January 1 following the election of the county legislative body, "legislative body" means:

- (1) the county council (in a county subject to IC 36-2-3.7); or**
- (2) the board of county supervisors elected under IC 36-2-3.8 (in a county subject to IC 36-2-3.8);**

as determined by the voters of the county under IC 36-2-3.9-8."

Page 11, delete lines 1 through 20.

Page 12, delete lines 1 through 2, begin a new line block indented and insert:

"(3) By the following:

(A) The county executive in a county:

- (i) in which the voters determine in a public question under IC 36-2-3.9 in 2010 to not reorganize county government and in which the county has not reorganized county government under IC 36-2-3.9-8; and**
- (ii) that is not subject to IC 36-2-3.5.**

(B) The county legislative body, for all other counties."

Page 12, line 23, delete "The" and insert **"Except as provided in subsection (c), the"**.

Page 12, delete lines 36 through 39, begin a new line block indented and insert:

"(2) the clerk of each of the other political subdivisions named in the petition; and

(3) the:

- (A) circuit court judge of the county in which the political subdivisions are located (if a county is named in the petition); or**
- (B) county executive of the county in which the political**

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subdivisions are located (if a county is not named in the petition).

(c) Notwithstanding any other law, the voters of a political subdivision may not initiate a proposed reorganization that includes any of the following:

(1) A county other than the county in which the political subdivision is located.

(2) A political subdivision located in a different county."

Page 14, line 3, delete "circuit court clerk of the" and insert "**county executive of the county in which the most populous political subdivision named in the reorganization resolution or petition is located (if a county is not named in the resolution or petition) or the circuit court judge of the county in which the most populous political subdivision named in the reorganization resolution or petition is located (if a county is named in the reorganization resolution or petition)**".

Page 14, delete line 4.

Page 14, line 5, delete "the reorganization resolution or petition is located".

Page 14, line 19, delete "The clerk of the" and insert "**The county executive of the county in which the most populous political subdivision named in the reorganization resolution or petition is located (if a county is not named in the reorganization resolution or petition) or the circuit court judge of the county in which the most populous political subdivision named in the reorganization resolution or petition is located (if a county is named in the reorganization resolution or petition) shall appoint to a reorganization committee**".

Page 14, delete line 20.

Page 14, line 21, delete "appoint to a reorganization committee".

Page 14, line 28, reset in roman "appointing authority".

Page 14, line 28, delete "clerk of the circuit court".

Page 15, delete lines 8 through 42, begin a new paragraph and insert:

"SECTION 23. IC 36-1.5-4-18, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 18. (a) A reorganization committee shall prepare a comprehensive plan of reorganization for the reorganizing political subdivisions. The plan of reorganization governs the actions, duties, and powers of the reorganized political subdivision that are not specified by law.

(b) The plan of reorganization must include at least the following:

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- (1) The name and a description of the reorganized political subdivision that will succeed the reorganizing political subdivisions.
- (2) A description of the boundaries of the reorganized political subdivision.
- (3) Subject to section 40 of this chapter, a description of the taxing areas in which taxes to retire obligations of the reorganizing political subdivisions will be imposed.
- (4) A description of the membership of the legislative body, fiscal body, and executive of the reorganized political subdivision, a description of the election districts or appointment districts from which officers will be elected or appointed, and the manner in which the membership of each elected or appointed office will be elected or appointed.
- (5) A description of the services to be offered by the reorganized political subdivision and the service areas in which the services will be offered.
- (6) The disposition of the personnel, the agreements, the assets, and, subject to section 40 of this chapter, the liabilities of the reorganizing political subdivisions, including the terms and conditions upon which the transfer of property and personnel will be achieved.
- (7) Any other matter that the:
 - (A) reorganization committee determines to be necessary or appropriate; or
 - (B) legislative bodies of the reorganizing political subdivisions require the reorganization committee;
 to include in the plan of reorganization.
- (8) In the case of a reorganization described in section 1(a)(9) of this chapter, if the legislative bodies of the reorganizing political subdivisions have specified that the vote on the public question regarding the reorganization shall be conducted on a countywide basis under section 30(b) of this chapter with a rejection threshold, the reorganization committee shall include in the reorganization plan a rejection threshold ~~specified as a percentage,~~ **equivalent to a simple majority** that applies for purposes of section 32(b) of this chapter. The rejection threshold must be the same for each municipality that is a party to the proposed reorganization and to the county that is a party to the proposed reorganization.
- (9) In the case of a reorganization described in section 1(a)(9) of this chapter, the reorganization committee shall determine and

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include in the reorganization plan the percentage of voters voting on the public question regarding the proposed reorganization who must vote, on a countywide basis, in favor of the proposed reorganization for the public question to be approved. This percentage is referred to in this chapter as the "countywide vote approval percentage". The countywide vote approval percentage must be ~~greater than fifty percent (50%)~~; **equivalent to a simple majority.**

(c) In the case of a reorganization described in section 1(a)(9) of this chapter, the reorganization committee may not change the decision of the legislative bodies of the reorganizing political subdivisions regarding whether the vote on the public question regarding the reorganization shall be conducted on a countywide basis without a rejection threshold or with a rejection threshold.

(d) **This subsection applies only to a reorganization initiated by a legislative body under section 10 of this chapter.** Upon completion of the plan of reorganization, the reorganization committee shall present the plan of reorganization to the legislative body of each of the reorganizing political subdivisions for adoption. The initial plan of reorganization must be submitted to the legislative body of each of the reorganizing political subdivisions not later than one (1) year after the clerk of the last political subdivision that adopts a reorganization resolution under this chapter has certified the resolution to all of the political subdivisions named in the resolution.

(e) **In the case of a reorganization initiated by the voters of a political subdivision under section 11 of this chapter, the reorganization committee shall hold at least one (1) public hearing on the plan of reorganization in each political subdivision named in the petition."**

Delete page 16.

Page 17, delete lines 1 through 14.

Page 19, line 6, delete "each" and insert "**the**".

Page 19, line 6, delete "a" and insert "**the**".

Page 19, line 7, delete "subdivision is" and insert "**subdivisions are**".

Page 19, line 8, delete "each" and insert "**the**".

Page 19, line 8, delete "a" and insert "**the**".

Page 19, line 9, delete "subdivision is" and insert "**subdivisions are**".

Page 21, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 34. IC 36-1.5-4-32, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2009]: Sec. 32. (a) This subsection does not apply to a reorganization described in section 1(a)(9) of this chapter. A reorganization as specified in the plan of reorganization is approved if a majority of the voters in each reorganizing political subdivision voting on the public question approve the public question on the reorganization. The vote of voters of a reorganizing political subdivision (for example, a city) who also are voters in a second reorganizing political subdivision (for example, a township) that is geographically larger than the first political subdivision and that includes the territory of the first political subdivision shall be included only in the tally of votes for the first reorganizing political subdivision in which the voters reside.

(b) This subsection applies only to a reorganization described in section 1(a)(9) of this chapter. The reorganization is approved only if:

(1) the percentage of voters voting on the public question who vote, on a countywide basis, in favor of the proposed reorganization is ~~at least equal to the~~ **equivalent to a** countywide vote approval percentage, ~~specified in the final reorganization plan;~~ **which is a simple majority;**

(2) if the legislative bodies of the reorganizing political subdivisions have agreed that the vote on the public question shall be conducted with a rejection threshold, the percentage of voters of the county (excluding the voters of the reorganizing municipalities) voting on the public question who vote against the reorganization is less than ~~the rejection threshold included in the final reorganization plan;~~ **a simple majority;** and

(3) if the legislative bodies of the reorganizing political subdivisions have agreed that the vote on the public question shall be conducted with a rejection threshold, the percentage of voters of each reorganizing municipality voting on the public question who vote against the reorganization is less than ~~the rejection threshold included in the final reorganization plan;~~ **a simple majority.**

If the reorganization is not approved, the reorganization is terminated. If the legislative bodies of the reorganizing political subdivisions have agreed that the vote in the public question shall be conducted with a rejection threshold, then in tabulating the votes under subdivisions (2) and (3), the vote of voters of a reorganizing municipality who also are voters in the county shall be included only in the tally of votes for the municipality in which the voters reside."

Page 21, delete lines 37 through 39, begin a new paragraph and insert:

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"(b) After December 31, 2012, this chapter applies only to a county:

- (1) having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or
- (2) in which the voters determine in a public question under IC 36-2-3.9 in 2010 to not reorganize county government and in which the county has not reorganized county government under IC 36-2-3.9-8."

Page 22, line 8, delete "legislative body" and insert "executive".

Page 22, delete lines 22 through 42, begin a new paragraph and insert:

"SECTION 35. IC 36-2-2.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Chapter 2.5. County Chief Executive Officer

Sec. 1. (a) Except as provided in subsection (b), and as specifically provided by law, this chapter applies after December 31, 2012, to each county:

- (1) that does not have a consolidated city; and
- (2) in which the county executive makes a determination under IC 36-2-2.4 that the county executive is a single county chief executive officer.

(b) Except as specifically provided by law, this chapter applies to each county:

- (1) that does not have a consolidated city; and
- (2) in which a majority of the voters voting on the public question under IC 36-2-3.9-8 make a determination;

that the county executive is a single county chief executive officer. This chapter applies to a county on January 1 following the election of the single county chief executive officer.

(c) This chapter does not apply to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

Sec. 2. As used in this chapter, "chief executive officer" means the county chief executive officer elected under IC 3-10-2-13:

- (1) in 2012 and every four (4) years thereafter, in a county described in section 1(a) of this chapter; or
- (2) at the next general election following the year the public question was held and every four (4) years thereafter, in a county described in section 1(b) of this chapter.

Sec. 3. (a) This section applies to a county subject to section 1(a) of this chapter.

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(b) In a county subject to section 1(a) of this chapter:

(1) the voters of the county:

(A) shall elect one (1) chief executive officer in 2012 and every four (4) years thereafter; and

(B) shall not elect a board of county commissioners; under IC 3-10-2-13;

(2) the board of county commissioners for the county is abolished December 31, 2012;

(3) notwithstanding IC 36-2-2-3, the term of each county commissioner elected in 2010 is two (2) years rather than four (4) years; and

(4) notwithstanding IC 36-2-2-3, the term of each county commissioner serving on December 31, 2012, expires January 1, 2013.

(c) The term of office of the initial chief executive officer:

(1) is four (4) years; and

(2) begins January 1, 2013.

Sec. 4. (a) This section applies to a county subject to section 1(b) of this chapter.

(b) In a county subject to section 1(b) of this chapter:

(1) the voters of the county:

(A) shall elect one (1) chief executive officer in the general election next following the year that the public question was held and every four (4) years thereafter; and

(B) shall not elect a board of county commissioners or board of county supervisors;

under IC 3-10-2-13;

(2) the board of county commissioners or board of county supervisors for the county (whichever is applicable) is abolished December 31 of the year in which the general election is held to elect the county chief executive officer; and

(3) notwithstanding IC 36-2-2-3, the term of each county commissioner or member of the board of county supervisors (whichever is applicable) serving on December 31 of the year in which the general election is held to elect the chief executive officer expires January 1 of the next year.

Sec. 5. (a) The term of office of a chief executive officer is four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified.

(b) To be eligible for election as the chief executive officer, an individual must meet the qualifications prescribed by IC 3-8-1-21. If an individual does not remain a resident of the county after

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taking office as the chief executive officer, the individual forfeits the office. The county legislative body shall declare the office vacant whenever the chief executive officer forfeits office under this subsection.

Sec. 6. (a) On January 1 following the year of the election of the chief executive officer, all of the property, assets, funds, equipment, records, rights, contracts, obligations, and liabilities of the board of county commissioners of a county are transferred to or assumed by the chief executive officer. However, in a county in which the voters of the county under IC 36-2-3.9-8 change the structure of county government from a structure with a board of county supervisors to a structure with a chief executive officer, on January 1 following the year of the election of the chief executive officer:

- (1) all of the property, assets, funds, equipment, records, rights, contracts, obligations, and liabilities of the board of county supervisors related to executive functions of the county are transferred to or assumed by the chief executive officer; and**
- (2) all of the property, assets, funds, equipment, records, rights, contracts, obligations, and liabilities of the board of county supervisors related to legislative and fiscal functions of the county are transferred to or assumed by the county council.**

(b) The abolishment of the board of county commissioners of a county or board of county supervisors on January 1, following the year of the election of the chief executive officer, does not invalidate:

- (1) any ordinances, resolutions, fees, schedules, or other actions adopted or taken by the board of county commissioners or board of county supervisors before January 1; or**
- (2) any appointments made by the board of county commissioners or board of county supervisors before January 1.**

Sec. 7. (a) All powers and duties of the county that are executive or administrative in nature shall be exercised or performed by the chief executive officer, except to the extent that these powers and duties are expressly assigned by law to another elected or appointed officer. The chief executive officer shall transact the business of the county in the name of "The Chief Executive Officer of the County of _____".

(b) For purposes of a county subject to this chapter, after

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December 31 of the year a chief executive officer is elected, any reference:

- (1) in the Indiana Code;**
- (2) in the Indiana Administrative Code; or**
- (3) in an ordinance or resolution;**

to the board of commissioners pertaining to the executive powers of a county shall be considered a reference to the chief executive officer of the county. For purposes of a county subject to this chapter, after December 31 of the year a chief executive officer is elected, any reference in the Indiana Code related to the executive powers and duties of the board of county commissioners shall, for purposes of a county subject to this chapter, be considered a reference to the powers and duties of the chief executive officer of the county.

(c) The county council has the legislative and fiscal powers and duties of the county as provided in IC 36-2-3.7."

Delete page 23.

Page 24, delete lines 1 through 19.

Page 24, line 20, delete "5." and insert "8."

Page 25, line 27, delete "6." and insert "9."

Page 26, line 9, delete "7." and insert "10."

Page 26, line 20, delete "8." and insert "11."

Page 26, line 40, delete "9." and insert "12."

Page 27, line 2, delete "10." and insert "13."

Page 27, line 17, delete "11." and insert "14."

Page 27, line 19, delete "12." and insert "15."

Page 27, line 22, delete "13." and insert "16."

Page 27, line 36, delete "14." and insert "17."

Page 27, line 39, delete "15." and insert "18."

Page 28, line 20, delete "16." and insert "19."

Page 28, line 20, delete "15" and insert "18".

Page 28, line 23, delete "15" and insert "18".

Page 28, line 30, delete "17." and insert "20."

Page 28, line 36, delete "18." and insert "21."

Page 29, line 1, delete "19." and insert "22."

Page 29, line 7, delete "20." and insert "23."

Page 29, delete lines 12 through 42, begin a new paragraph and insert:

"SECTION 36. IC 36-2-3-4, AS AMENDED BY P.L.230-2005, SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) This subsection does not apply to a county having a population of:

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- (1) more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or
- (2) more than two hundred thousand (200,000) but less than three hundred thousand (300,000).

The county executive **(before January 1, 2013), the county executive (after December 31, 2012) of a county in which the voters determine in a public question under IC 36-2-3.9 in 2010 to not reorganize county government and in which the county has not reorganized county government under IC 36-2-3.9-8, or the legislative body of the county (after December 31, 2012) of a county subject to IC 36-2-3.7 or IC 36-2-3.8)** shall, by ordinance, divide the county into four (4) contiguous, single-member districts that comply with subsection (d). If necessary, the county auditor shall call a special meeting of the executive **(before January 1, 2013), the county executive (after December 31, 2012) of a county in which the voters determine in a public question under IC 36-2-3.9 in 2010 to not reorganize county government and in which the county has not reorganized county government under IC 36-2-3.9-8, or the legislative body of the county (after December 31, 2012) of a county subject to IC 36-2-3.7 or IC 36-2-3.8)** to establish or revise districts. One (1) member of the fiscal body shall be elected by the voters of each of the four (4) districts. Three (3) at-large members of the fiscal body shall be elected by the voters of the whole county.

(b) This subsection applies to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). The county redistricting commission established under IC 36-2-2-4 shall divide the county into seven (7) single-member districts that comply with subsection (d). One (1) member of the fiscal body shall be elected by the voters of each of these seven (7) single-member districts.

(c) This subsection applies to a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000). The fiscal body shall divide the county into nine (9) single-member districts that comply with subsection (d). Three (3) of these districts must be contained within each of the three (3) districts established under IC 36-2-2-4(c). One (1) member of the fiscal body shall be elected by the voters of each of these nine (9) single-member districts.

(d) Single-member districts established under subsection (a), (b), or (c) must:

- (1) be compact, subject only to natural boundary lines (such as railroads, major highways, rivers, creeks, parks, and major

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industrial complexes);

(2) not cross precinct boundary lines;

(3) contain, as nearly as possible, equal population; and

(4) include whole townships, except when a division is clearly necessary to accomplish redistricting under this section.

(e) A division under subsection (a), (b), or (c) shall be made:

(1) during the first year after a year in which a federal decennial census is conducted; and

(2) when the county executive adopts an order declaring a county boundary to be changed under IC 36-2-1-2.

(f) A division under subsection (a), (b), or (c) may be made in any odd-numbered year not described in subsection (e).

(g) This subsection applies after December 31, 2012, to a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000) if IC 36-2-3.5-6 no longer applies to the county. A court may issue an order, before final hearing, to stay an election if there is sufficient evidence to withstand a motion for summary judgment that the county has not been divided into districts that comply with this section. A preliminary hearing on the question may be held upon the court's own motion. Final judgment on the merits in such a case shall be made not later than thirty (30) days after the stay of election order. If the redistricting is found not to be in compliance with law, the court shall retain jurisdiction and shall order the proper officials to submit not later than thirty (30) days after the order is issued a redistricting plan complying with law. If the proper officials fail to comply with the order, the court shall order the Indiana election commission to divide the county into districts in compliance with law.

SECTION 37. IC 36-2-3.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. **(a) Before January 1, 2013**, this chapter applies to:

(1) a county having a population of:

(A) more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or

(B) more than two hundred thousand (200,000) but less than three hundred thousand (300,000); and

(2) any other county not having a consolidated city, if both the county executive and the county fiscal body adopt identical ordinances providing for the county to be governed by this chapter beginning on a specified effective date.

(b) After December 31, 2012, this chapter applies only to:

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(1) a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); and

(2) a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000), if the voters determine in a public question under IC 36-2-3.9 in 2010 to not reorganize county government and the county has not reorganized county government under IC 36-2-3.9-8."

Delete page 30.

Page 31, delete lines 1 through 6.

Page 31, delete lines 11 through 19, begin a new paragraph and insert:

"Sec. 1. (a) This chapter applies:

(1) after December 31, 2012, to a county that has a board of county supervisors elected under IC 36-2-3.8 as the county executive, legislative body, and fiscal body; and

(2) after December 31 of the year in which a board of county supervisors is elected under IC 36-2-3.8 as the county executive, legislative body, and fiscal body if a majority of the voters determined under IC 36-2-3.9-8 to elect a board of county supervisors.

(b) This chapter does not apply to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

Sec. 2. (a) The board of county supervisors of a county subject to this chapter must after December 31 of the year that a board of supervisors is elected, employ a county manager to be the administrative head of the county government."

Page 32, between lines 38 and 39, begin a new paragraph and insert:

"Sec. 10. (a) As used in this section, "relative" means:

- (1) a husband;
- (2) a wife;
- (3) a father;
- (4) a mother;
- (5) a son or son-in-law;
- (6) a daughter or daughter-in-law;
- (7) a brother;
- (8) a sister;
- (9) an aunt;
- (10) an uncle;
- (11) a niece; or

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(12) a nephew.

(b) Except as provided in subsection (e), an individual who is a relative of a member of the board of county supervisors may not be appointed to serve as county manager for the county.

(c) Except as provided in subsection (f), an individual who is a relative of an appointed county manager may not:

- (1) be employed in any position with the office of the county manager; or
- (2) receive any compensation for services from the office of county manager.

(d) An individual may not be employed in the office of county manager in a position in which the individual would have a direct supervisory or subordinate relationship with the individual's relative.

(e) This section does not apply to an individual employed as county manager for at least twelve (12) consecutive months before the election or appointment of the individual's relative as a member of the board of county supervisors.

(f) This section does not apply to an individual employed in the office of county manager for at least twelve (12) consecutive months before the appointment of the individual's relative as the county manager.

(g) This section does not require the termination or reassignment of any employee of a county from any position held by that individual before January 1, 2013."

Page 33, delete lines 1 through 13, begin a new paragraph and insert:

"Sec. 1. (a) This chapter applies after December 31, 2012, to each county in which the county executive makes a determination under IC 36-2-2.4 that the county executive is a single elected chief executive officer.

(b) This chapter also applies to each county in which a majority of the voters voting on the public question under IC 36-2-3.9-8 make a determination that the county executive is a single elected chief executive officer. In a county described in this subsection:

- (1) the voters of the county shall elect a county council in the general election next following the year that the public question was held; and
- (2) this chapter applies to the county council after December 31 of the year a county council is elected.

To provide for staggered terms, the term of office of the initial members of the county council elected at large is two (2) years,

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beginning January 1 after the year the county council is elected, and continuing until a successor is elected and qualified. For county council members elected at large in the next general election and thereafter, the term of office is four (4) years.

(c) This chapter does not apply to a county that:

- (1) has a consolidated city; or
- (2) has a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000)."

Page 33, delete lines 21 through 28, begin a new paragraph and insert:

"Sec. 4. After December 31 of the year in which a county council is elected under IC 36-2-3:

- (1) the county council is the county legislative body as well as the county fiscal body; and
- (2) the chief executive officer is the county executive of the county and has the executive and administrative powers and duties of the county as provided in IC 36-2-2.5."

Page 34, delete lines 9 through 42, begin a new paragraph and insert:

"SECTION 40. IC 36-2-3.8 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Chapter 3.8. Board of County Supervisors as County Executive, County Legislative Body, and County Fiscal Body

Sec. 1. (a) Except as specifically provided by law, this chapter applies to the following:

- (1) After December 31, 2012, to each county in which:
 - (A) the county executive makes a determination under IC 36-2-2.4; or
 - (B) a majority of the voters voting on the public question in the 2010 general election under IC 36-2-3.9 make a determination;

that the board of county supervisors is the county executive, the county legislative body, and the county fiscal body.

- (2) Each county in which a majority of voters voting on a public question under IC 36-2-3.9-8 determines that the board of county supervisors is the county executive, the county legislative body, and the county fiscal body. This chapter applies to a county under this subdivision after December 31 of the year in which a board of county supervisors is elected.

(b) This chapter does not apply to a county:

- (1) that has a consolidated city; or

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- (2) having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

Sec. 2. In a county subject to this chapter, the board of county supervisors:

- (1) is the county executive, the county legislative body, and the county fiscal body;
- (2) shall exercise the executive, legislative, and fiscal powers of the county;
- (3) has the same executive and administrative powers and duties as are specified for a chief executive officer in a county subject to IC 36-2-2.5;
- (4) has the same legislative powers and duties as are specified for a county council in a county subject to IC 36-2-3.7; and
- (5) has the same fiscal powers and duties as are specified for a county council under IC 36-2-3.

Sec. 3. (a) In a county subject to this chapter, the voters of the county shall elect a board of county supervisors under the provisions of IC 36-2-3 that apply to the election of a county council.

(b) In a county described in section 1(a)(1) of this chapter:

- (1) the board of county commissioners for the county is abolished January 1, 2013;
- (2) notwithstanding IC 36-2-2, the term of each county commissioner elected in 2010 is two (2) years rather than four (4) years;
- (3) notwithstanding IC 36-2-2, the term of each county commissioner serving on December 31, 2012, expires at the end of that day;
- (4) notwithstanding IC 36-2-3, the term of each county council member elected in 2010 is two (2) years rather than four (4) years; and
- (5) notwithstanding IC 36-2-3, the term of each county council member serving on December 31, 2012, expires at the end of that day.

(c) In a county described in section 1(a)(2) of this chapter:

- (1) the board of county commissioners or county chief executive officer (whichever is applicable) for the county is abolished January 1 after a board of county supervisors is elected;
- (2) notwithstanding IC 36-2-2, the term of each county commissioner or the county chief executive officer (whichever is applicable) serving on December 31 of the year that a board

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of county supervisors is elected expires at the end of that day;
and

(3) notwithstanding IC 36-2-3, the term of each county council member serving on December 31 of the year that a board of county supervisors is elected expires at the end of that day.

(d) Except as provided in subsections (e), (f), (g), and (h), the term of office of a board of county supervisors member elected under this chapter is four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified.

(e) This subsection applies only to a county under section 1(a)(1) of this chapter. To provide for staggered terms, the term of office of the initial members of the board of county supervisors elected at large in 2012 shall be two (2) years, beginning January 1, 2013, and continuing until a successor is elected and qualified. For board of county supervisors members elected at large in 2014 and thereafter, the term of office is four (4) years.

(f) This subsection applies only to a county under section 1(a)(2) of this chapter. In a county described in this subsection, the voters of the county shall elect a board of county supervisors in the general election next following the year that the public question was held under IC 36-2-3.9-8 in which the voters determined that the board of county supervisors is the county executive, the county legislative body, and the county fiscal body. To provide for staggered terms, the term of office of the initial members of the board of county supervisors elected at large shall be two (2) years, beginning January 1 after the year the board of county supervisors is elected, and continuing until a successor is elected and qualified. For board of county supervisors members elected at large in the next general election and thereafter, the term of office is four (4) years.

(g) This subsection applies if this chapter applies to a county under section 1(a)(1) of this chapter having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000) that has board of county supervisors members elected from nine (9) single-member districts. To provide for staggered terms, the term of office of the initial members of the board of county supervisors elected under this chapter in 2012 from four (4) districts (as specified by the county council before January 1, 2012) shall be four (4) years, beginning January 1, 2013, and continuing until a successor is elected and qualified, and the initial term of office of the initial members of the board of county supervisors elected under this chapter in 2012 from the other five

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(5) districts (as specified by the county council before January 1, 2012) shall be two (2) years.

(h) This subsection applies if this chapter applies to a county under section 1(a)(2) of this chapter having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000) that has board of county supervisors members elected from nine (9) single-member districts. To provide for staggered terms, the term of office of the initial members of the board of county supervisors elected under this chapter in the general election from four (4) districts (as specified by the county council before January 1 of the year the general election is held) shall be four (4) years, beginning January 1 of the year following the election of the board of county supervisors and continuing until a successor is elected and qualified. The initial term of office of the initial members of the board of county supervisors elected under this chapter in the general election from the other five (5) districts (as specified by the county council before January 1 of the year of the general election) shall be two (2) years.

Sec. 4. (a) On January 1 after the election of the board of supervisors in a county subject to this chapter, all of the property, assets, funds, equipment, records, rights, contracts, obligations, and liabilities of the board of county commissioners or county chief executive officer (whichever is applicable) and the county council of the county are transferred to or assumed by the board of county supervisors.

(b) The abolishment of the board of county commissioners or county chief executive officer (whichever is applicable) and the county council of a county on January 1 after the election of the board of supervisors does not invalidate:

- (1) any ordinances, resolutions, fees, schedules, or other actions adopted or taken by the board of county commissioners, county chief executive officer, or county council before January 1; or
- (2) any appointments made by the board of county commissioners, county chief executive officer, or county council before January 1.

Sec. 5. (a) For purposes of a county subject to this chapter, after December 31 of the year a board of county supervisors is elected, any reference:

- (1) in the Indiana Code;
- (2) in the Indiana Administrative Code; or
- (3) in an ordinance or resolution;

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to the board of commissioners pertaining to the executive powers of a county shall be considered a reference to the board of county supervisors of the county. For purposes of a county subject to this chapter, after December 31 of a year a board of county supervisors is elected, any reference in the Indiana Code related to the executive powers and duties of the board of county commissioners shall, for purposes of a county subject to this chapter, be considered a reference to the powers and duties of the board of county supervisors of the county.

(b) For purposes of a county subject to this chapter, after December 31 of the year a board of county supervisors is elected, any reference:

- (1) in the Indiana Code;
- (2) in the Indiana Administrative Code; or
- (3) in an ordinance or resolution;

to the county council shall be considered a reference to the board of county supervisors of the county. For purposes of a county subject to this chapter, after December 31 of the year a board of county supervisors is elected, any reference in the Indiana Code related to the legislative and fiscal powers and duties of the county council shall, for purposes of a county subject to this chapter, be considered a reference to the powers and duties of the board of county supervisors of the county."

Delete pages 35 through 36.

Page 37, delete lines 1 through 5.

Page 37, line 18, delete "legislative body" and insert "executive".

Page 37, line 22, delete "legislative body" and insert "executive".

Page 37, between lines 23 and 24, begin a new line block indented and insert:

"(3) A county in which voters petition for a public question under section 8 of this chapter to decide the structure of county government."

Page 37, delete lines 24 through 42, begin a new paragraph and insert:

"Sec. 3. In a county to which this chapter applies, the following public question shall be placed on the ballot at the 2010 general election held in the county:

"Choose only one of the following options for the reorganization of the county government of (insert the name of the county) County:

- () The county government shall be reorganized to place executive, legislative, and fiscal powers in a board of**

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county supervisors.

() The county government shall not be reorganized."

Sec. 4. IC 3, except where inconsistent with this chapter, applies to a public question placed on the ballot under this chapter.

Sec. 5. A political subdivision may not do any of the following concerning a public question under this chapter:

- (1) Allow facilities or equipment, including mail and messaging systems, owned by the political subdivision to be used for public relations purposes to promote a position on the public question under this chapter.
- (2) Make an expenditure of money from a fund controlled by the political subdivision to promote a position on the public question under this chapter.
- (3) Use an employee to promote a position on the public question under this chapter during the employee's normal working hours or paid overtime, or otherwise compel an employee to promote a position on the public question under this chapter at any time.

Sec. 6. If a majority of the voters who vote on the public question at the 2010 general election vote in favor of reorganizing county government to place executive, legislative, and fiscal powers in a board of county supervisors, IC 36-2-3.8 applies to the county.

Sec. 7. If a majority of the voters who vote on the public question at the 2010 general election vote in favor of not reorganizing the county government, the following apply to the county:

- (1) IC 36-2-2.
- (2) IC 36-2-3.
- (3) IC 36-2-3.5, for a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000).

Sec. 8. (a) In a county to which this chapter applies, the voters of the county may file a written petition with the circuit court clerk of the county requesting that a local public question applicable to the county under subsection (d), be placed on the ballot for any general election held after 2012. The petition must:

- (1) be signed by at least five percent (5%) of the voters of the county, as determined by the vote cast in the county for secretary of state at the most recent general election;
- (2) state the public question that shall be placed on the ballot under subsection (d);
- (3) be substantially in the form prescribed by the state board

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of accounts; and

(4) be filed before July 1 of the year in which the public question would be placed on the ballot.

The circuit court clerk shall certify the petition to the county election board in accordance with IC 3-10-9-3 and to the county council of the county.

(b) If a county to which this chapter applies has not reorganized county government and has a board of county commissioners, the board of county commissioners may, after a public hearing, adopt a resolution specifying that the voters of the county shall decide the structure of county government in a public question under subsection (e). The resolution must specify which one (1) of the two (2) sets of questions under subsection (e) shall be placed on the ballot. The board of county commissioners shall before July 1 of the year in which the public question would be placed on the ballot certify the resolution to:

- (1) the circuit court clerk of the county;
- (2) the county election board in accordance with IC 3-10-9-3; and
- (3) the county council.

(c) If the requirements of subsection (a) or (b) are satisfied, the county election board shall place the local public question on the ballot in the county during the general election.

(d) In the case of a public question placed on the ballot as a result of a petition submitted by voters under subsection (a), the public question placed on the ballot must be one (1) of the following, as determined in the petition under this section:

(1) "Choose only one of the following options for the reorganization of the county government of (insert the name of the county) County:

() The county government shall be reorganized to place executive, legislative, and fiscal powers in a board of county supervisors.

() The county government shall not be reorganized."

(2) "Choose only one of the following options for the reorganization of the county government of (insert the name of the county) County:

() The county government shall be reorganized to place executive powers in a single elected county executive and to place legislative and fiscal powers in the county council.

() The county government shall not be reorganized."

(e) In the case of a public question placed on the ballot as a

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result of a resolution adopted by the board of county commissioners under subsection (b), the public question placed on the ballot must be one (1) of the following, as determined in the resolution adopted by the board of county commissioners:

(1) "Choose only one of the following options for the reorganization of the county government of (insert the name of the county) County:

() The county government shall be reorganized to place executive, legislative, and fiscal powers in a board of county supervisors.

() The county government shall not be reorganized."

(2) "Choose only one of the following options for the reorganization of the county government of (insert the name of the county) County:

() The county government shall be reorganized to place executive powers in a single elected county executive and to place legislative and fiscal powers in the county council.

() The county government shall not be reorganized."

(f) If a majority of the voters who vote on a public question vote in favor of reorganizing county government, the following apply:

(1) If the vote is in favor of placing executive, legislative, and fiscal powers in a board of county supervisors, IC 36-2-3.8 applies to the county.

(2) If the vote is in favor of placing executive powers in a single elected county executive and placing legislative and fiscal powers in the county council, IC 36-2-2.5 and IC 36-2-3.7 apply to the county.

(g) If a majority of the voters who vote on the public question vote in favor of not reorganizing county government, the law applicable to the county's structure of government continues to apply."

Page 38, delete lines 1 through 6.

Page 39, delete lines 14 through 42.

Delete page 40.

Page 41, delete lines 1 through 17.

Renumber all SECTIONS consecutively.

(Reference is to SB 506 as printed February 6, 2009.)

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